DOCUMENT RESUME

ED 118 665 UD 015 689

AUTHOR	Ericksen, Charles A., Ed.; And Others
TITLE	Minorities and Women in Government: Practice Versus Promise.
INSTITUTION	Rhode Island State Advisory Committee to the U.S. Commission on Civil Rights, Providence.
PUB DATE	Jan 75
NOTE	153p.; Several pages may reproduce poorly
EDRS PRICE	MF-$0.83 HC-$8.69 Plus Postage
DESCRIPTORS	*Affirmative Action; *City Government; Civil Rights; Employment Opportunities; *Employment Practices; Federal Government; Females; Government Employees; Government Role; Legal Responsibility; Local Government; Minority Groups; Public Policy; *State Government
IDENTIFIERS	*Rhode Island (Providence)

ABSTRACT

In 1973, the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights initiated a comprehensive project to review equal employment opportunity (EEO) in State and selected local government bodies in Rhode Island. In its project, the Advisory Committee examined employment practices and affirmative action efforts to recruit, hire, and promote minorities and women in State government and in the cities of Providence, East Providence, and Newport. Approximately 40 State and local offiicals were interviewed by Advisory Committee members and Commission staff. Data from Federal reports and other publications were collected and analyzed. These investigations culminated in open, public meetings held November 14-16, 1973, in the State House in Providence. Sixty-two persons, including Federal, State, and local officials and representatives of unions, community, civic, minority, and women's groups testified. At the meetings, the entire employment systems of the four governments were examined. This report summarizes the Advisory Committee's general findings and recommendations. It includes a summary of the Federal and State mandate for equal employment opportunity, a section on each government under review, and a summary of some alternative reforms for civil service systems. (Author/JM)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED118665

MINORITIES AND WOMEN IN GOVERNMENT: PRACTICE VERSUS PROMISE

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

UD 015 689

—A report of the Rhode Island Advisory Committee to the United States Commission on Civil Rights, prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission, but only to the Rhode Island Advisory Committee.

January 1975

BEST COPY AVAILABLE

UD015689

MINORITIES AND WOMEN IN GOVERNMENT: PRACTICE VERSUS PROMISE

A REVIEW OF EQUAL EMPLOYMENT OPPORTUNITY IN STATE GOVERNMENT AND SELECTED CITIES IN RHODE ISLAND

--A report of the Rhode Island Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission, but only to the Rhode Island Advisory Committee.

January 1975

MINORITIES AND WOMEN IN GOVERNMENT: PRACTICE VERSUS PROMISE

A REVIEW OF EQUAL EMPLOYMENT OPPORTUNITY IN STATE GOVERNMENT AND SELECTED CITIES IN RHODE ISLAND

--A report prepared by the Rhode
Island Advisory Committee to the
U.S. Commission on Civil Rights.

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Rhode Island Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

RIGHT OF RESPONSE:

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

MEMBERSHIP

RHODE ISLAND ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Rev. Raymond E. Gibson, Chairperson
Providence

Frederick C. Williamson, Sr., Vice Chairperson
Providence

Helen G. Engles
Providence

Russell S. Fox
Providence

Margot D. Honig
Cranston

Eunice L. Mabray
Providence

Lillian G. McDaniel
Cranston

Kenneth R. Walker, Sr.
East Providence

Herbert B. Williams
Providence

LETTER OF TRANSMITTAL

RHODE ISLAND ADVISORY COMMITTEE
TO THE U.S. COMMISSION ON CIVIL
RIGHTS

JANUARY 1975

MEMBERS OF THE COMMISSION
Arthur S. Flemming, Chairperson
Stephen Horn, Vice Chairperson
Frankie Freeman
Robert S. Rankin
Manuel Ruiz, Jr.

John A. Buggs, Staff Director

Sirs and Madam:

The Rhode Island Advisory Committee submits this report on equal employment opportunity in Rhode Island State Government and the cities of Providence, East Providence, and Newport as part of its responsibility to advise the Commission on relevant civil rights problems within the State.

The basic issue addressed in this report is that minorities and women are underrepresented, particularly at the higher salary levels, in the four governments under review. In State Government, which employs 17,000 persons, almost 80 percent of the positions with annual salaries over $16,000 are held by white males.

This Advisory Committee conducted open, public meetings on the issue in November 1973. It heard from Federal, State and local officials, representatives of community, civic, minority, and women's groups, and out-of-state experts working in the civil service field.

It found that the employment systems in all four governments contain barriers to equality of opportunity; affirmative action efforts were found to be inadequate or nonexistent. Although affirmative action plans were required from all State departments since 1972, only four departments had submitted final plans. None of the cities had such plans and none of the governments had effective recruitment programs.

Among specific issues examined in this report are affirmative action plans and programs, elements of the civil service system such as recruitment, training, testing and selection, and State and Federal efforts to enforce existing EEO regulations.

6

The Advisory Committee is forwarding a series of recommendations to the four governments under review, to Federal agencies responsible for enforcing EEO regulations, and to community, civic, minority, and women's groups in Rhode Island.

It is our hope that the Commission will support our recommendations and use its influence to help initiate change in these employment systems. Particular attention should be given to our recommendation that you request a review of the material by the U. S. Department of Justice.

Respectfully,

/s/

REV. RAYMOND E. GIBSON
Chairperson

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Northeastern Regional Office, New York, N.Y., for its help in the preparation of this report. Research and writing assistance was provided by Linda D. Dunn and Amelia Watkins. Legal assistance prior to and during the hearing was provided by Eliot H. Stanley. Additional staff support was provided by Diane Diggs, Yvonne Griffith, and America Ortiz. All worked under the guidance of Jacques E. Wilmore, regional director.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D.C., by Charles A. Ericksen, chief editor, with assistance from Rudella Vinson and Mary Frances Newman. Legal review was provided by Ruthie Taylor, staff attorney in the Office of General Counsel. Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

CONTENTS

Page

I. Introduction.................................. 1

II. Equal Employment Opportunity in State Government.. 6

A. The Division of Personnel..................... 10
The Civil Service System...................... 10
Training...................................... 17
U.S. Civil Service Study...................... 20
Recommendations............................... 23

B. The Affirmative Action Mandate................ 25
Rhode Island Executive Orders................. 25
The Commission for Human Rights............... 27
Department Directors.......................... 28
Individual Departments........................ 32
Recommendations............................... 33

C. The Role of the Governor...................... 36
Findings...................................... 37
Recommendations............................... 38

III. Equal Employment Opportunity in the City of Providence...................................... 40

A. The Employment System......................... 44
B. Affirmative Action............................ 44
C. The Providence Human Relations Commission..... 46
D. The Emergency Employment Act and Training..... 47
E. Police and Fire Departments................... 49
F. Recommendations............................... 50

IV. Equal Employment Opportunity in the City of East Providence................................. 53

A. Recommendations............................... 58

V. Equal Employment Opportunity in the City of Newport...................................... 60

A. Recommendations............................... 65

Page

VI. The Federal Mandate for Equal Employment Opportunity................................ 67

A. Civil Service Commission.................... 68
B. Law Enforcement Assistance Administration... 71
C. Department of Housing and Urban Development. 71
D. Court Action................................ 71
E. Federal Enforcement in Rhode Island......... 75
F. Findings.................................... 77
G. Recommendations............................. 78

Appendix A: Breakdown by Race, Sex, and Salary Level of Employees in All Rhode Island State Departments -- June 1973......... 80
Appendix B: State Executive Order No. 14........... 94
Appendix C: Executive Orders No. 5 and 6, City of Providence......................... 105
Appendix D: Correspondence with L. F. Cronin, Regional Director, U.S. Civil Service Commission, Boston, Mass............... 109
Appendix E: Response from the Office of the Governor to Rhode Island Advisory Committee Report, April 17, 1974.......... 119
Appendix F: Rebuttal by Rhode Island Advisory Committee to Governor's Statement......... 132

EXHIBITS

Page

Exhibit A: State of Rhode Island Governments Selected for EEO Review, Population by Race 1960 and 1970 2

Exhibit B: State of Rhode Island Population of Cities over 10,000 by Race 1960 and 1970 3

Exhibit C: Rhode Island State Government Employee Salary Level by Race and Sex June 1973 9

Exhibit D: Rhode Island State Government Employees in Inservice Training by Race and Sex October 1973 19

Exhibit E: Rhode Island State Government Employees in Public Employment Program (PEP) by Race and Sex June 1973 31

Exhibit F: Providence City Government Employee Salary Level by Race and Sex June 1973 42

Exhibit G: Providence City Government Employees by Race, Sex, and Department June 1973 43

Exhibit H: East Providence City Government Employee Salary Level by Race and Sex June 1973 54

Exhibit I: East Providence City Government Employees by Race, Sex, and Department June 1973 56

Exhibit J: Newport City Government Employee Salary Level by Race and Sex April 1973 61

Exhibit K: Newport City Government Employees by Race, Sex, and Department April 1973 62

I. INTRODUCTION

In 1973, the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights initiated a comprehensive project to review equal employment opportunity (EEO) in State and selected local governments in Rhode Island. The subject was selected for several reasons. In 1972, State and local governments were included in the nondiscrimination-in-employment provisions of Title VII of the Civil Rights Act of 1964. After some delay, the Federal Government had begun to develop enforcement procedures directed to these governments in an effort to assure equal employment opportunity for all persons. At the same time, an Executive order at the State level imposed additional EEO requirements on State government.

The Advisory Committee decided that an investigation on its part could provide the facts for effective action on the State and local levels and prompt greater State and Federal enforcement efforts.

In its project, the Advisory Committee examined employment practices and affirmative action efforts to recruit, hire and promote minorities and women in State government and in the cities of Providence, East Providence, and Newport. Those cities were selected because each had a relatively large minority population.

Census figures for the State and the three selected cities by race, for the years 1960 and 1970, are shown in Exhibit A on the following page. A breakdown of population by race in all Rhode Island cities over 20,000 for the same years is given in Exhibit B, which follows Exhibit A.

Exhibit A

STATE OF RHODE ISLAND

Governments Selected for EEO Review, Population by Race
1970 and 1960

Locality	1970				1960			
	Total	White	Black	Other	Total	White	Black	Other
State of Rhode Island								
Number	946,725	914,757	25,338	6,630	859,488	838,653	18,328	2,507
Percent	100.0%	96.6%	2.7%	0.7%	100.0%	97.6%	2.1%	0.3%
City of Providence								
Number	179,213	161,338	15,875	2,000	207,[illegible]	195,525	11,153	820
Percent	100.0%	90.0%	8.9%	1.1%	100.0%	94.2%	5.4%	0.4%
City of East Providence								
Number	48,151	46,469	1,343	339	41,955	41,068	817	70
Percent	100.0%	96.5%	2.8%	0.7%	100.0%	97.9%	1.9%	0.2%
City of Newport*								
Number	34,562	31,317	2,523	722	47,049	43,432	3,226	391
Percent	100.0%	90.6%	7.3%	2.1%	100.0%	92.3%	6.9%	0.8%

*Approximately 10,000 U.S. Navy cruiser vessel personnel were counted as inhabitants of Newport in 1960, but in 1970 they were counted as inhabitants of Middletown, where their vessels were docked.

Source: Rhode Island State Department of Community Affairs, based on 1970 census.

Exhibit B

STATE OF RHODE ISLAND

Population of Cities over 20,000 by Race 1970 and 1960

City	1970				1960			
	Total	White	Black	Other	Total	White	Black	Other
Coventry	22,947	22,836	70	41	15,432	15,382	38	12
Cranston	73,037	72,275	590	172	66,764	66,432	249	85
Cumberland	26,605	26,549	16	40	18,792	18,781	8	3
E. Providence	48,151	46,469	1,343	339	41,955	41,068	817	70
Johnston	22,037	21,982	29	26	17,160	17,124	25	11
Middletown*	29,621	27,528	1,394	699	12,675	12,420	177	78
Newport*	34,562	31,317	2,523	722	47,049	43,432	3,226	391
N. Kingstown	27,673	26,170	875	628	18,977	18,368	476	133
N. Providence	24,337	24,183	80	74	18,220	18,126	70	24
Pawtucket	76,984	76,305	403	276	81,001	80,464	453	84
Providence	179,213	161,338	15,875	2,000	207,498	195,525	11,153	820
Warwick	83,694	83,167	326	201	68,504	68,193	240	71
W. Warwick	24,323	24,252	26	45	21,414	21,385	0	29
Woonsocket	46,820	46,079	609	132	47,080	46,712	337	31
State	946,725	914,757	25,338	6,630	859,488	838,653	18,328	2,507

*Approximately 10,000 U.S. Navy cruiser vessel personnel were counted as inhabitants of Newport in 1960, but in 1970 they were counted as inhabitants of Middletown, where their vessels were docked.

Source: Rhode Island State Department of Community Affairs, based on 1970 census.

Early in 1973, employment statistics were collected from the State government and the three cities under review. Approximately 40 State and local officials were interviewed by Advisory Committee members and Commission staff. Data from Federal reports and other publications were collected and analyzed.

These investigations culminated in open, public meetings held November 14-16, 1973, in the State House in Providence.[1] A total of 62 persons, including Federal, State and local officials and representatives of unions, community, civic, minority, and women's groups, testified during the 3-day meeting. Additional testimony was received December 12, 1974, from Vincent Igliozzi, the statewide EEO officer, whose appointment had not been made public at the time of the meetings.

At the meetings, the entire employment systems of the four governments were examined. Affirmative action efforts, both written plans and existing or proposed programs, were analyzed and reviewed in light of Federal and State EEO requirements. Attention was given to all areas of the employment process, including recruitment, testing, interviewing, selection methods, and promotion policies.

Attitudinal factors such as the expectations and views of the personnel departments and the images in the community of State and local governments as employers were examined. Whenever possible, the Advisory Committee attempted to stimulate a discussion of new remedial policies and programs and to credit successes of as well as pinpoint barriers to equal employment opportunity.

This report summarizes the Advisory Committee's general findings and recommendations. It includes a summary of the Federal and State mandate for equal employment opportunity, a section on each government under review, and a summary of some

---

1. In accordance with Commission regulations, State Advisory Committees are authorized to hold public open meetings, which are public sessions in the form of public hearings except that subpoenas are not issued and testimony is not taken under oath.

alternative reforms for civil service systems. In most instances, the information in the report has been footnoted to the meeting transcript[2] or to Commission staff interviews.

Although the study is not an exhaustive one, it represents a careful and considered review of available data by the Rhode Island Advisory Committee. It is the Advisory Committee's hope that this report will be useful to the State and local governments as well as private groups in furthering equal employment opportunity for persons in the Rhode Island State government and in the city governments of Providence, East Providence and Newport, and in local governments throughout the State.

---

[2] Transcript of Rhode Island Public Employment, Open Meeting, Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, Nov. 14-16, 1973. Unpublished. Limited number of copies available at the Northeastern Regional Office of the U.S. Commission on Civil Rights, 26 Federal Plaza, New York, N.Y. 10007. Hereinafter cited as "Transcript." Subsequent references will be cited with the day (first, second, or third) and page number in parentheses following the citation.

II. EQUAL EMPLOYMENT OPPORTUNITY IN STATE GOVERNMENT

The State of Rhode Island employs approximately 17,000 persons, or 2.5 percent of the State's work force. According to the only current statistics,[3] which account for approximately 12,000 employees, blacks make up 4.6 percent of the State government work force, and other minority group members make up 0.6 percent. A total of 5,501 women make up 44.8 percent of State government.

According to the 1970 census, the State of Rhode Island has a total population of about 947,000 persons, of whom 2.7 percent are black and 0.7 percent are members of other minority groups. According to State Department of Employment Security (DES) statistics, the black unemployment rate is 8.5 percent, more than 2 percent higher than the white unemployment rate. About 7.9 percent of unemployed blacks formerly held professional, technical, or related jobs, and 1.5 percent now hold managerial or administrative jobs. At the same time, 28 percent of urban blacks--as opposed to 8.2 percent of urban whites--are living below the poverty level, census data show. These statistics suggest the State has a minority labor pool including both skilled and unskilled persons who need employment.

---

[3] These statistics are from an incomplete computer printout on the State's EEO-4 information based on June 1973 data. Excluded are the nonclassified positions of the State's university system and some departments which failed to file their reports as scheduled. However, the personnel division concluded that the proportional representation would not vary greatly with the additional information. More specific data are available in Appendix B.

In Providence, where the large majority of State agencies are located, blacks make up 8.8 percent and other minorities make up 1.1 percent of the population. Professionals working in the civil service field generally agree that the available labor market, which varies according to the salary level of the job, ought to determine an organization's employment pattern. At the meeting, Jean J. Couturier, executive director of the National Civil Service League, testified that metropolitan Providence should provide the labor market for the lower level jobs, while the entire country should be considered as the pool for top commissioner or senior executive posts (III, p. 139).

Women make up slightly more than half of the State's total population. Despite the acceptance by many in Rhode Island of the traditional view that women belong in the home, census data indicate that women now make up 52.8 percent of the urban work force. DES figures show that the unemployment rate for women is 7.3 percent, higher than the 5.5 percent rate for men. About 14.1 percent of unemployed females formerly held professional, technical, and related jobs, and 2.7 percent of those currently working hold managerial and administrative positions. Approximately 12.1 percent of the families in the State are headed by women, according to the 1970 census. In addition to serious economic responsibilities, a new social and political awareness has encouraged an increasing number of women to enter the job market.

The State employment system includes 12,802 persons in classified and noncompetitive jobs in the civil service system, 3,221 persons in unclassified jobs filled through patronage, and an additional 1,320 persons in nonclassified jobs in the State university system. For the classified jobs in the civil service system, selection is made according to the "rule of six," requiring an appointing authority to select any one of the top six scorers on the State's civil service examination.

As indicated in Exhibit C, minorities and women are concentrated in the lower salary levels. Of the 3,380 positions with salaries over $10,000, 69.1 percent (or 2,334 positions) are held by white males. Approximately 4.1 percent are held by blacks (both male and female), 1.0 percent by other minorities, and 28.6 percent by women.

Of 754 jobs with salaries over $16,000, 79.3 percent are held by white males. Approximately 4.4 percent of these jobs are held by blacks, 2.7 percent by other minorities, and 16.5 percent by women.

These statistics on salary level, the only data now available, reflect total salary earned, including overtime and, in some instances, double shifts. A number of women and minorities reported in the middle salary range work in lower level jobs, with overtime or double shifts accounting for the increased wages. A spot check of the Department of Mental Health, Retardation and Hospitals indicated that all 20 black women at the Institute of Mental Health reported to be earning $13,000 or more were working overtime at Grade 9 (then $5,810 to $7,340). It is probable that minorities and women are similarly overrepresented in the following chart.

Exhibit C

RHODE ISLAND STATE GOVERNMENT

Employee Salary Level by Race and Sex - June 1973

Salary Level	Total (Both Sexes)	Male White	Male Black	Male Other	Male Total	Female White	Female Black	Female Other	Female Total
Under $10,000									
Number	8,899	4,211	139	14	4,364	4,209	298	28	4,535
Percent	100.0%	47.3%	1.6%	0.2%	49.0%	47.3%	3.3%	0.3%	51.0%
Over $10,000 (Including top salaries listed below)									
Number	3,380	2,334	59	21	2,414	871	80	15	966
Percent	100.0%	69.1%	1.7%	0.6%	71.4%	25.8%	2.4%	0.4%	28.6%
Over $16,000									
Number	754	598	18	14	630	103	15	6	124
Percent	100.1%*	79.3%	2.4%	1.9%	83.6%	13.7%	2.0%	0.8%	16.4%

*Does not add to 100.0% due to rounding.

Source: Rhode Island State Division of Personnel, taken from 1973 EEO-4 data.

A. The Division of Personnel

The division of personnel, a unit of the Department of Administration, is responsible for administering the civil service system of the State and implementing personnel policies. As such, it is the key element in the development and enforcement of an effective nondiscrimination and affirmative action program. A training unit within the division is responsible for developing training programs.

The Civil Service System

A civil service system, based almost entirely on written examinations which are developed and administered by the division of personnel, covers 12,802 persons or 73.8 percent of the State's employees.[4] Selection of employees is made by department heads from lists according to the "rule of six," which requires an appointing authority to select a person from among the top six scorers on a civil service examination. An agency or appointing authority is not required to give an explanation for selecting a particular employee over the other five top scorers. Approximately 1,200 different tests are given for 799 job classifications, with tests administered at varying frequencies according to the number of job openings.

A staff of 12 professionals in the personnel division's technical services division is responsible for recruitment and the development, review, and administration of tests. All tests are advertised in the morning, evening, and Sunday editions of the Providence papers, and announcements are sent to approximately 1,300 community, civic, and other interested groups and individuals.

The technical services division has recently made efforts to use drawings including blacks and women in its bulletins; however, on the approximately 30 announcements sent out early in 1973, only two women and three blacks were depicted in supervisory or professional jobs.

---

4. Interviews with Kevin Coleman, Director of the Department of Administration, and Joseph Murray, personnel administrator, Norman Bedard, chief of technical services, and John A. Stewart, training officer of the division of personnel of Rhode Island, in Providence, July 26, Aug. 1, Aug. 27, and Sept. 25, 1973, respectively.

In testimony to the Advisory Committee, the Women's Liberation Union criticized the personnel division's recruitment bulletins on the grounds that they portrayed women largely in secretarial or clerical positions and reported that a complaint on the matter had been filed with the Rhode Island Commission for Human Rights. Maureen Sullivan, of the Women's Liberation Union, said:

> No picture of a professional group should omit women and minority group members. If employment in this State were truly equal, there would be no all-white group pictures; there would be no all-white male professional groups. (I, pp. 333-334)

At the time of the meeting, there were no minorities and only four women among the 12 professionals on the staff of the technical services division.

The Advisory Committee was told that the division of personnel has failed to reach the minority and female community with its recruitment effort. Anna Tucker, executive director of the State's Permanent Advisory Commission on Women, was one of several persons testifying in favor of improved recruitment and job information systems:

> We believe there needs to be better dissemination of the examination schedule, job openings, and newly created positions, and suggest one way to do this is for a biweekly bulletin to be enclosed with the payroll checks giving this information. (I, p. 319)

Tests are given at the personnel division headquarters at 289 Promenade St., Providence. Recent innovations include a walk-in test center for clerical and maintenance positions and a program to give the clerical test at the Opportunities Industrialization Center (OIC), an independent, non-profit manpower training organization, at the end of each clerical training program. In addition, a telephone application system has been set up for clerical and unskilled jobs.

Although tests are being reviewed by the professional staff, no tests have been validated.[5] Between January and June 1973, approximately 20 tests were reviewed, with "major revisions" made in the majority of them. The personnel administrator has authority to make changes in tests and has final authority in any dispute between the personnel division and an operating agency. Individuals may review their tests with professional staff and may appeal to the personnel administrator or the Personnel Appeals Board if they feel they have been treated unfairly.

---

[5] The following explanation of validation appeared in the "Fair Employment Report," Nov. 5, 1973, p. 221:

Uniform personnel selection guidelines--intended to apply to both private and public employers but not to the Federal Government itself--have been drafted by five Federal agencies with equal employment opportunity jurisdiction and are expected to be published for comment shortly in the Federal Register. The discussion draft, called "Uniform Guidelines on Employee Selection Procedures," was proposed by the Equal Employment Opportunity Coordinating Council (EEOCC), composed of representatives of Equal Employment Opportunity Commission, Department of Justice, Department of Labor, Civil Service Commission, and Commission on Civil Rights.

Seen as the most significant part of the proposed guidelines is the endorsement of three methods of test validation as equally acceptable to meet equal opportunity requirements. Guidelines define validation as "a technical term which refers to methods used to demonstrate that a test measures what it is supposed to measure."

Here are the three validation methods which, under the guidelines, employers would be permitted to use:

(1) In criterion-related validity, tests are administered to applicants or employees and the test scores are then related to some measure of job performance for the same individuals. Guidelines would require that, where feasible, these relationships be established separately for different racial, ethnic, or sex groups so that there is assurance that the tests are operating with equal fairness for members of these subgroups.

(2) In content validity, the test itself is developed as representative sample of the job duties or knowledges, skills, or abilities necessary or important for successful job performance. Types of tests which are often content valid are: job-knowledge tests appropriate to the job and level involved; performance tests such as standardized typing tests containing appropriate content and used with appropriate passing points; and tests in which the actual job duties are performed, such as welding, and similar performance tests.

(3) In construct validity, a test is developed to measure an ability or trait which is less directly observable than is the case in content validity. Validation of such a test requires that the test measure the trait, and that the trait is in fact related to successful job performance.

Whatever validation method is used, the guidelines stipulate that the employer must conduct a careful job analysis to identify the important duties, knowledges, skills, and abilities and other worker characteristics required for successful job performance.

Almost all tests are multiple choice and scored on a strict numerical basis. Five points are given to veterans and 10 points to disabled veterans.

It frequently takes as long as several months for an applicant to begin work after he/she has filed for an examination, taken the examination, been placed on a list, and appointed.

There is evidence to suggest that existing tests do not predict ability to do the job. Robin Boone, executive secretary of the Rhode Island Commission for Human Rights, testified about a black case aide supervisor who failed the social worker test three times:

> The question is, is the exam wrong or is the woman wrong?...Everybody who ranks her says she is good....But she can't pass the test, so she can't occupy the position. (I, p. 238)

The personnel division has taken only minor steps to substitute performance tests for written examinations, and then only at the clerical level. It has not used alternative selection methods which are employed as corrective devices by other civil service systems across the country. The division has not established objective criteria for the review and evaluation of tests. The test review process seems to depend upon an informal study by department and personnel officials who themselves are products of the existing system. No steps have been taken to set up a data collection or monitoring system to determine whether tests do have a disparate, and therefore discriminatory effect, on any one group or whether they meet other test validation requirements under proposed Federal guidelines.

According to witnesses and persons interviewed, the "rule of six" and other regulations enabling an appointing authority to select an employee without providing a written explanation for his/her choice tend to perpetuate practices which are discriminatory in effect and allow the white male bureaucracy to perpetuate itself. A written explanation is not required, as it is in some systems, whenever a minority or female applicant among the top six is not hired. Except in the Department of Social and Rehabilitative Services, no records are kept on minority and female applicants.

The Advisory Committee was told that nationwide, one-third of the civil service systems have abandoned the procedure of selecting employees from among the few top scorers on an examination and have adopted alternative selection devices.[6] Jean Couturier, executive director of the National Civil Service League, told the Advisory Committee:

> ...Reliance on the 'rule of one' or the 'rule of three' or the 'rule of six,' as you have in Rhode Island, would seem to be sheer folly. And in point of fact, the League found that fully one-third of the Nation's civil services now use, as of 1970, the pass/fail certification of employees. (I, pp. 125-126)

Job specifications are drawn up by each operating agency and are reviewed and approved by the personnel division. Job specification changes and salary increases must be given a public hearing with 5 days notice in the press. Two or three hearings are held a year. Proposed salary changes attract the most public attention.

---

[6] These devices, generally used when tests have not been validated, include but are not limited to: (a) expanded certification or selecting from applicants who score within a given range of points; (b) pass/fail certification or selecting from among all applicants who pass a test; and (c) dual certification or establishing a second list for minorities and/or women based on income, residency, or other qualifications.

Although job requirements and classifications are under regular review, several persons interviewed said that there have been no significant reforms in either area to help open up the system to minorities or women. Despite the elimination of rigid educational requirements in several instances, testing and selection procedures have not been changed to assure that applicants are chosen according to their ability to do the job. Robin Boone, executive secretary of the Rhode Island Commission for Human Rights, said in an interview with Commission staff that even if the bachelor of arts degree is eliminated for the social worker position (as proposed), it is unlikely that minorities will be hired unless a dual certification list or another alternative selection device is established for applicants without a college degree.

Promotions are made either from a promotion list made up of State employees who have passed a higher level examination or a general employment list. According to Kevin Coleman, the former director of the Department of Administration, an increasing number of promotions are being made from among the employees of a given unit according to seniority as a result of recent union contract agreements. Even in departments with women in middle level positions, such as the Department of Social and Rehabilitative Services, white males hold the higher paying jobs, and minorities and women remain in the lower paying jobs with little opportunity for advancement or transfer.

In testimony to the Advisory Committee, June Massey, coordinator of the Women's Political Caucus of Rhode Island, made a plea for a nonsexist employment market at all salary and job levels:

> We (women) must incorporate our abilities, our experiences, and education at all levels of local and State government, embracing the field of education not only as classroom teachers; public relations, not only as secretaries and receptionists; politics, not only as doorbell ringers and envelope stuffers; health care, not only as nurses but as doctors and surgeons and administrators of health care programs; and social services, not only as case workers and referral agents, but as creators of departmental policies and philosophies. (I, pp. 329-330)

The caucus also called for the appointment of more women to State boards and commissions and cited that, according to their most recent statistics, women made up fewer than 8 percent of the 1,700 members of State and local boards and commissions. (I, p. 328)

Other areas of concern to the Advisory Committee are civil service regulations and personnel rules. In several instances, the Advisory Committee was told, archaic civil service regulations discriminate against women.

A representative of the Women's Political Caucus said that Section 36-4-42 of the Civil Service Regulations should be amended. (I, p. 327) This provision provides that persons alleging discrimination on account of race, political or religious beliefs, but not sex, may file a complaint with the Personnel Appeals Board. Although complaints alleging discrimination on the basis of sex may be filed with the Commission for Human Rights, such complaints are excluded from the Personnel Appeals Board jurisdiction.

Sharon Bermon, vice president of the Rhode Island chapter of the National Organization for Women (NOW), told the Advisory Committee that NOW had filed a complaint alleging that State Personnel Rule 5.0623 discriminates against women. (I, pp. 322-323) She said that this rule, which covers temporary disability, should be amended to grant employees on maternity leave the same benefits as other employees with temporary disabilities.

Ms. Bermon also called for the elimination of single-sex certification of women. (I, p. 66) Rule 4.016 of the Personnel Rules permits a job to be certified for one sex only.

Several witnesses before the Advisory Committee complained that the veterans' preference system, which automatically awards 5 points to any veteran and 10 points to disabled veterans in scoring civil service examinations, discriminates against women.

Norman Bedard, chief of technical services, said in an interview on August 2, 1973, that in one management and methods test 11 of the 12 top scorers were veterans after the preference points were added. The highest scoring woman, who would have been second or third without the veteran's preference, was number 15 on the list. Mr. Bedard said that the added points for veteran's preference make it difficult for nonveterans and women to compete on an equal basis.

Ms. Bermon of NOW told the Advisory Committee:

> Only a small number of women are veterans... I think that either some other system could be made in helping individuals who have made a sacrifice for their country to reenter society, or else there could perhaps be some compromise, some initial points to help them the first time they apply for a job. (I, p. 355)

Training

A training unit is located within the division of training and classification of the division of personnel. The U.S. Civil Service Commission cited the training unit as the "step-child" of the personnel division and recommended that it be dislodged from classification and established as a separate unit.[8] Its annual operating budget is approximately $3,000, or less than 20 cents per State employee per year.

The training unit runs three courses in supervision and communications at the personnel division headquarters and offers about 15 other courses in conjunction with various State agencies. These courses include Medicare-Medicaid, Basic Facts of Mental Retardation, Weather Observation, Dealing with the Difficult Client, and a variety of courses related to the fields of health or social services.

In fiscal 1973, about 1,490 State employees participated in training programs. Half of these employees were enrolled in job-related courses on their own time at area schools and universities.

An employee receives a one-step pay raise for every four approved, job-related courses which he or she successfully completes. The higher the salary, the greater the step increase. John Stewart, training officer, estimated that this program costs at least $300,000 per year and as much as $500,000. According to many persons interviewed, this educational pay incentive program is inadequately advertised through routine bulletins, and the program rewards those in the higher salary brackets (who are largely white and male) more than lower level employees. Therefore, it results in an unequal distribution of training funds among State employees. While the training obtained under this program may assist the employee in performing better on the job, usually it is not part of a definite upward mobility or career ladder program.

---

[8] Qualitative Evaluation, Rhode Island Division of Personnel, Inter-governmental Personnel Programs Division, U.S. Civil Service Commission, June 1973, p. 4.

There is no comprehensive manpower training plan for State employees, and efforts to create career ladders through on-the-job or classroom training have been weak or nonexistent. Most departments offer no training at all and the few ongoing programs are limited in scope.

An exception is the training program of the Department of Social and Rehabilitative Services. This program, which costs $181,000 per year, is probably the most costly per person in the State, and from some perspectives is one of the best. The program enables employees with bachelor of arts degrees to take a one- or two-year leave of absence to obtain a master's degree. The program is limited to those who have already progressed in the system, and in 1973 its participants were 16 white males and 8 white females.

Until the fall of 1973, no statistics were kept on the race and sex of those enrolled in training programs. John A. Stewart, training officer, estimated that over an 8-year period only 1 out of about 900 persons in the Basic Supervision course was black. Statistics provided to the Advisory Committee by Andrew Shephard, Department of Administration EEO officer, showed that of the 573 persons enrolled in the personnel division's inservice courses in the fall of 1973, only 7 were black. All 7 were female. Six of the 7 were taking paramedical courses. (See Exhibit D on following page and I, p. 263.)

The Advisory Committee was told that there seemed to be little interest in the division of personnel in career ladders or other efforts to create real upward mobility. Dr. Charles Goodman, director of the Department of Mental Health, Retardation, and Hospitals, testified that he had been negotiating with personnel division officials for more than 3 years to set up a career ladder for custodial staff and had finally succeeded in having only two "health services associate" training positions approved for the more than 2,000 eligible institution attendants and other aides. These two positions had not been filled for over 6 months because funds for training were not allocated. In testimony to the Advisory Committee, Dr. Goodman said:

> I am not sure that the division of personnel sees this as high priority from their point of view. (I, p. 153)

Exhibit D

RHODE ISLAND STATE GOVERNMENT

Employees in Inservice Training by Race and Sex
October 1973

Course Title	Total	Total Male	Total Female	Black Male	Black Female
Effective Communication-1	18	4	14	0	0
Effective Communication-2	19	4	15	0	1
Principles of Supervision-1	17	6	11	0	0
Principles of Supervision-2	17	8	9	0	0
First Aid	18	11	7	0	0
Managing within the State Civil Service System	19	12	7	0	0
Counseling the Delinquent	19	12	7	0	0
Anatomy and Physiology	65	8	57	0	0
Consequences of Planning	23	15	8	0	0
Self-Help Techniques for Communities	19	11	8	0	0
Natural Resources	45	45	0	0	0
Medical Topics	86	44	42	0	2
Understanding the Patient	46	4	42	0	4
Peace Officer Course	8	8	0	0	0
Behavior Modification	10	1	9	0	0
Basic Facts of Mental Retardation	17	6	11	0	0
Emotional Disturbances and Behavior Disorders	38	17	21	0	0
Training the Food Service Worker-1	38	1	37	0	0
Training the Food Service Worker-2	51	9	42	0	0
	573	226	347	0	7

Source: Rhode Island State Division of Personnel.

Norman Bedard, chief of technical services, said that there was "very little support" from departmental staff for improved training programs, shifting the blame back to the departments. (I, p. 242)

Michael Van Leesten, executive director of the Opportunities Industrialization Center, summarized many of the problems of the State government's training:

> As OIC's executive director, I have a particular interest in training. On one hand, training means helping develop the full potential of every individual. And that is important. From an economic perspective, it means fully utilizing existing resources at our disposal and it assures more efficient manpower planning. And that also is important.
>
> ...A review of training programs indicates classes are not designed to provide employees with new skills, to enable participants to move on to careers, to create what we now call upward mobility. Course enrollees are all too often white males, and classroom activities depend upon old-fashioned rhetoric and procedures. (I, pp. 15-16)

U.S. Civil Service Study

Under the Intergovernmental Personnel Act of 1970 (IPA) the U.S. Civil Service Commission is authorized to provide technical assistance and to make grants to State and local governments to improve their personnel systems. The Intergovernmental Personnel Programs Division (IPPD) of the Boston Regional Office of the U.S. Civil Service Commission conducted a review of the Rhode Island division of personnel in the spring of 1973 and issued a report in June 1973.

At the time of the Advisory Committee's hearing, the division of personnel had failed to act on five of seven IPPD recommendations on equal employment opportunity and most of the other recommendations regarding the State's civil service system. (I, pp. 254-255, 264-266)

The IPPD recommendations on equal employment opportunity include the following:[9]

1. That the Rhode Island Merit System Laws, Title 36, Chapter 4, Section 50, be amended to identify the specific classes covered;[10]

2. That the State Personnel Rules be amended to include specific provisions for EEO;

3. That the division of personnel review its affirmative action plan and establish target dates no later than July 31, 1973, for the attainable goals to be accomplished for fiscal 1974;

4. That the division of personnel complete the organization of a working committee to oversee the development of an affirmative action plan by providing additional full-time personnel to assist the statewide EEO coordinator and to require departments and agencies to appoint full-time representatives where the division of personnel determines that the size of the department's or agency's operation warrants;[11] and

---

[9] All of the recommendations were included in the IPPD report, "Qualitative Evaluation, Rhode Island Division of Personnel," cited earlier.

[10] This section of the State's statutes prohibits discrimination on the basis of "political, religious, or racial considerations," but not national origin, sex, and age as required by the Merit System Standards.

[11] According to testimony presented to the Advisory Committee, several departments had submitted requests for full-time EEO officers as long as a year before the November 1973 Committee meeting; however, the personnel division had not acted on the requests. (I, pp. 145, 151, 206)

5. That the State develop and implement a plan to provide upward mobility for some of the large number of nonwhites now locked into the lowest category of employment. This could be accomplished through a vigorous program of job restructuring, development of career ladders, training, and other adjustments to the system, to make equal employment opportunity a reality.

Other IPPD recommendations not yet implemented include the following:

1. That a permanent personnel administrator be appointed;

2. That the classification and training division be divided into two separate divisions with the appointment of a training chief at the same level as the other division heads in the department;

3. That a deputy administrator be appointed;

4. That a training committee be set up comprised of designees of agency heads who are top administrative personnel; this committee would identify training needs in terms both of agency resources and of the demand of State services; it would also determine the priorities of these needs and recommend funding;

5. That each operating unit require training funds as part of its own personnel appropriation; and

6. That the newly established entry level positions designed to provide opportunities for the disadvantaged be expanded.

The IPPD report noted that the disadvantaged are probably "victims of the patronage system" and are not appointed to the noncompetitive jobs for which they are most likely to qualify.

Recommendations:

The Rhode Island Advisory Committee makes the following recommendations concerning the division of personnel:

1. Recruitment procedures and programs should be greatly expanded and improved so as to reach minorities and women more effectively. Minority and additional female recruiters should be hired; field recruiting offices should be opened in areas of the State with high percentages of minority residents; and better contact should be established with women's organizations.

2. A program to validate tests should be instituted immediately; alternative selection and certification devices should be employed; and, because tests have not been validated, the division should recommend to the legislature that the "rule of six" be changed to a method example, such as the one used for recommendation 6, which assures equal employment opportunity for minorities and women.

3. Present efforts to review job classifications and entry requirements should be intensified and broadened in scope.

4. Promotion procedures should be revised to assure equal opportunity for minorities and women; and policy-making positions, including those on boards and commissions, should be opened further to minorities and women.

5. Civil Service Regulations (particularly Section 36-4-42) and Personnel Rules (particularly Rule 5.0623 and Rule 4.016) should be amended to eliminate discrimination on the basis of sex and to accord women the same rights as those granted men.

6. The division of personnel should study the veteran's point-preference system and recommend that it be limited to a specified period of time, such as 3 to 5 years, or that it be eliminated. In the latter case, an alternate method of helping veterans to reenter the civilian work force through special training or job programs could be developed.

7. A comprehensive manpower training program with on-the-job and classroom training should be developed for State government as a whole, with particular attention given to the creation of career ladders for minorities and women. The current educational pay incentive program should be eliminated and the funds used for more effective training.

8. Priority should be given to the implementation of the recommendations made to the division of personnel by the U.S. Civil Service Commission.

B. The Affirmative Action Mandate

Nondiscrimination in employment is an essentially passive concept. It suggests that the history of 300 years can be forgotten, that existing patterns of employment can be ignored, and that we can begin anew to hire, promote, etc., all citizens without regard to race or sex. Such an approach, however, flies in the face of reality. The past is prologue, today's programs are determined by yesterday's foundations, and the success of present efforts is in large measure affected by former patterns, procedures, and practices. The concept of affirmative action recognizes this reality and demands a special effort to deal with the patterns of the past in shaping the prospects of the future. Affirmative action in State government employment in Rhode Island is required by a series of Executive orders, and it is required in a number of State and local agencies by Federal law and policy.[12]

In this section of the report, there will be a review of the various Executive orders and a discussion of the role of the statewide EEO officer, the Commission for Human Rights, and department directors. The section concludes with a discussion of non-civil-service employment and recommendations for remedial action:

---

[12] For a discussion of Federal requirements for nondiscrimination and affirmative action, see Chapter VI, "The Federal Mandate for Equal Employment Opportunity."

Rhode Island Executive Orders:

Although the State of Rhode Island enacted a general Fair Employment Act in 1949 prohibiting discrimination in employment, State and local government was specifically not included in the act. At the time of the hearing, Rhode Island was one of only 3 States with such legislation to except public employment from coverage. Several groups including the Advisory Committee had criticized the act and recommended an amendment to include State and local government. The 1974 Legislature passed such legislation and Governor Noel signed Public Law 259 on May 11.

In 1969, then Governor Frank Licht issued Executive Order No. 8, a policy statement prohibiting discrimination in State government. In 1972, he issued Executive Order No. 32, which instituted an affirmative action mandate for all State departments. It called for the appointment of departmental equal employment opportunity officers and the development of affirmative action plans to be reviewed and approved by the State Commission for Human Rights. In March 1973, the Commission for Human Rights issued criteria for departmental affirmative action plans, including a recommendation that goals and timetables be included in such plans. A deadline of September 30, 1973, was established for the submission of departmental plans to the Human Rights Commission.

At the time of the Advisory Committee's meeting, several months after the deadline, only five departmental plans had been submitted and approved by the Commission. Only two plans, those of the Department of Transportation and the Department of Employment Security, included goals and timetables. Three departments had filed plans which had not been approved by the Commission for Human Rights, and several departments, including Mental Health, Retardation, and Hospitals; Corrections; and Natural Resources, had not filed any plans at all. (I. p. 289)

In January 1974, Governor Philip Noel issued Executive Order No. 14, which in some respects was stronger than Governor Licht's Executive Order No. 32. Following its open meeting, the Advisory Committee reviewed a draft of the new order and recommended a number of changes, including a strengthening of the role of the Rhode Island Commission for Human Rights in monitoring State affirmative action plans. Although many recommended changes were incorporated into the new order, the authority to approve or disapprove plans was taken from the Human Rights Commission.

Both Executive Order No. 32 and the new Executive Order No. 14 require the appointment of equal employment opportunity officers in each State department and agency. During the week of the Advisory Committee's open meeting, Governor Noel appointed a statewide EEO officer for the first time. Although housed in the Department of Administration, the EEO officer has overall responsibility for the development of effective affirmative action plans and monitoring their implementation.

The new statewide EEO officer did not testify at the Advisory Committee's open meeting because, although his appointment was effective the week of the meeting, it had not been publicly announced. In testimony before the Advisory Committee a month later, he said that he had not had time to formulate any specific goals and was unfamiliar with documents basic to the EEO position, such as Federal Executive Order 11246. He had no previous experience in EEO work.[13]

One responsibility of the statewide EEO officer is to coordinate activities of the departmental EEO officers. Of the approximately 18 EEO officers in State departments and agencies, two are black and one is a woman. (I. p. 290) Of 12 major departments, two have full-time EEO officers. The overwhelming majority of part-time EEO officers who were interviewed reported that they spent "very little" or "as little as 5 percent" of their time on EEO assignments. (I, pp. 125, 156, and 213) Criteria had not been established for the selection of EEO officers to assure both a commitment to and a knowledge of EEO procedures and programs. Recent attempts by the division of personnel to provide training for EEO officers have been only partially successful. Several designated EEO officers did not attend a workshop held in September 1973. Some, including the EEO officer in the executive office, did not send a representative. (III, p. 218)

---

[13] Testimony of Vincent Igliozzi, statewide EEO officer, before the Rhode Island Advisory Committee, Dec. 12, 1973.

The Commission for Human Rights:

The Rhode Island Commission for Human Rights was established by an act of the State legislature in 1949. It has a broad mandate to investigate and conciliate complaints alleging discrimination and to assure equal opportunity for Rhode Island residents. Employment, public accommodations, and housing have been specifically included in its jurisdiction. As noted earlier, State and local government employment was added to the Commission's mandate in 1974.

In fiscal 1973-74, a total of 22 employment discrimination complaints were filed against the Rhode Island State government, 7 alleging discrimination on the basis of race or color; 13 on the basis of sex and 2 on national origin, religion, or physical handicap. A total of 18 were filed against local governments, including 6 against the city of Providence, 2 against East Providence and 1 against Newport. Of the 40 complaints filed against public employers, no probable cause was found in 4 cases. One complaint was withdrawn, and the remainder were either conciliated or are awaiting hearing, under investigation, or in the process of conciliation.

Under the old Executive Order No. 32, the Commission also had administrative and enforcement responsibility for assuring affirmative action in State government employment. This authority included the mandate to approve or disapprove State agency and departmental affirmative action plans.

Under new Executive Order No. 14, final authority to approve or disapprove departmental affirmative action plans was moved from the Human Rights Commission to the Governor (who will act, presumably, on the advice of the new statewide EEO officer). The Human Rights Commission's role is now reduced to providing technical assistance, as necessary, to State departments and to commenting on plans. Although criteria for plans were developed by the Commission in March 1973, the Commission failed to require departments to submit plans on schedule. It also failed to approve or revise several plans that had been submitted. This inaction on the part of the Commission can be explained, in part, by the Commission's meager budget in relation to the responsibilities assigned to it. It is due also to priorities established by the executive secretary, Robin Boone, who defined the Commission's role as primarily one of enforcement. He told the Advisory Committee:

> We were assigned the responsibility of making sure that departments had affirmative action plans and were monitoring them, essentially training the people who were to enforce the order. In fact, that's really not our bag; our bag is really to catch people when they've done it wrong. We're an enforcement agency. (I, p. 32)

The reduction in the authority of the Human Rights Commission was discussed with several witnesses, including Mr. Boone, at the Advisory Committee's meeting. Although Mr. Boone recommended the change, professionals in the civil service field from outside of the State did not favor it. Jean Couturier, executive director of the National Civil Service League, called for "somebody to look over his (the person responsible for EEO) shoulder as an ombudsman or advisory board, or human rights commission." (III, p. 144) Nancy Beecher, chairperson, of the Massachusetts Civil Service Commission, also supported the need for a separate "watchdog agency" to monitor the agency charged with EEO responsibilities. (I, pp. 272, 287-288)

Department Directors:

There is wide variation in minority and female employment statistics in the various State departments.[14] For instance, the Department of Community Affairs has a minority employment record of 9.4 percent, while the Department of Natural Resources employs only 0.6 percent minorities.

---

[14] More detailed statistics on individual departments may be found in Appendix A.

The Department of Social and Rehabilitative Services, which is involved in the delivery of services to the minority and low income population, has 4.2 percent. Employment practices and training systems also differ from department to department.

Despite these variations, department directors tended to blame the rigidities of the civil service system and inaction on the part of the division of personnel for their problems. Anthony Travisono, director of the Department of Corrections, testified:

> You live by the rules of civil service, and they have not changed very vastly over the last few years. It would be silly for me to tell you that I'm going to change....We live by the rules that have been set up by the State. We also have the further significance of...the labor contract, which has begun to supersede even personnel regulations. (I, p. 120)

However, many of the same department directors and other witnesses also testified as to the political nature of the existing civil service system. When asked about political influences on department appointments, Mr. Travisono said:

> There are many other extenuating factors that do take place (in the employment system) which can be construed as being political. They are political on a very large degree rather than a small degree, depending upon where they come from. (I, p. 120)

Donald Taylor, deputy director of the Department of Corrections, commented that, "There are ways in which to manipulate the system." (I, p. 127)

Robin Boone, executive secretary of the Human Rights Commission, said:

> And then there is sort of a whole hidden structure of rules and regulations--they're operable--but which particularly minorities and women, who are not sort of privy to the system, never really find out about....Now some of that is political, I agree, but more of it is, if you're not a lawyer, you can't play monopoly using the State laws. There is a great deal about the merit system I think is very byzantine. (I, p. 34)

Mr. Travisono, director of the Department of Corrections; Dr. Charles Goodman, director of the Department of Mental Health, Retardation and Hospitals; and Mary Hackett, director of the Department of Employment Security, all cited bureaucratic difficulties in obtaining the personnel division's approval for a full-time EEO officer. (I, pp. 123, 145, 151, 206) However, none of them assigned additional staff to complete the necessary work. Many departmental affirmative action plans were not completed on schedule, and other EEO duties were not carried out. Department of Corrections officials testified it would take the department a year and a half to complete its plan. (I, p. 117)

In almost every case, non-civil-service positions controlled by the department directors have not been filled by minorities or women in accordance with their representation in the population. Many State employees hold noncompetitive positions in the laboring, custodial, and other unskilled categories which are not subject to the regular civil service testing and certification requirements. Employees are hired by individual department heads for a 6-month probationary period, after which the positions become permanent.

No comprehensive figures on the number of classified, noncompetitive positions were available. However, in July 1973, among the 355 noncompetitive positions in the Department of Transportation, only 5 or 1.5 percent were held by members of minority groups.[15] The Department of Natural Resources did not have statistics on the minorities in its 350-person summer program to staff recreation areas, facilities, and programs throughout the State. Hiring for it was noncompetitive. (I, p. 189)

The public employment program (PEP), which is designed to bring the disadvantaged into government service and is not subject to regular civil service regulations, was not achieving that goal according to incomplete 1973 statistics provided to the Advisory Committee. (See Exhibit E on following page.) Of 204 persons in the program, 13 were minority. Women, although better represented (111 out of 204), were concentrated in the lower salary levels. Only 7 out of the 111 earned more than $8,000 annually.

---

[15] Interview with Tindaro Caliri, EEO officer, Department of Transportation of Rhode Island in Providence, July 31, 1973.

Exhibit E

RHODE ISLAND STATE GOVERNMENT

Employees in Public Employment Program (PEP) by Race and Sex
June 1973

		Male			Female		
Department	Total	White	Black	Other	White	Black	Other
Mental Health, Retardation and Hospitals	1	1	0	0	0	0	0
Health	17	11	1	0	5	0	0
Corrections	22	12	1	0	9	0	0
Board of Regents	6	6	0	0	0	0	0
Library Services	11	0	0	0	6	4	1
Natural Resources	7	6	0	0	1	0	0
Business Regulation	5	4	0	0	1	0	0
Attorney General	9	7	0	0	2	0	0
Community Affairs	1	0	1	0	0	0	0
Employment Security	125	38	4	1	82	0	0
Total	204	85	7	1	106	4	1

Source: Department of Administration's incomplete computer printout of the EEO-4 data, June 1973. The data are not necessarily a summary of all the 1973 PEP employees in State government.

Other jobs created for unskilled or low income persons are rarely used to a significant degree to employ minorities. In the Department of Social and Rehabilitative Services, of 164 case aides, 6 were minority. The failure to hire more minorities occurred because a large number of white college students took the civil service examination and received top scores on it. Of 12 neighborhood workers, 5 were minority, and of 30 summer trainees, 5 were minority.[16]

The only large-scale departmental training is in a program within the Department of Social and Rehabilitative Services; it enables social workers with a bachelor's degree to obtain a master's degree. In 1973, when 21 persons were graduated, the program participants were all white, and more than 60 percent were male.

At the time of the informal hearing, there were no career ladders for minorities and women in any State department. The ill-fated effort to set up such a ladder in the Department of Mental Health, Retardation, and Hospitals was reported earlier.

The Department of Social and Rehabilitative Services also proposed a career ladder. Its ladder was for a newly created position entitled "eligibility technician." (I, p. 103) The program was designed to create career opportunities for the case aide, a position created to bring minorities into the social worker field. However, open meeting testimony indicated that the new career ladder would divert the case aide from the social worker ladder into the eligibility technician ladder and would thus work against the original goal of opening up the social worker category to minorities.

Individual Departments:

A few of the more serious problems of selected departments are discussed briefly below:

Social and Rehabilitative Services - The Department of Social and Rehabilitative Services employs only 4.3 percent minorities and, at the time of the informal hearing, there were only 12 minority persons among the 519 social case workers.

---

[16] Data supplied by the Department of Social and Rehabilitative Services following the open meeting.

Corrections - According to a July 1973 report of the U.S. Law Enforcement Assistance Administration (LEAA),[17] the Department of Corrections employs only 5 percent minorities out of 152 correction officers, while 21 percent of the inmates at the Adult Correctional Institution (ACI) are minority. Despite an LEAA recommendation to increase the number of women in nonclerical positions, at the time of the hearing there were only two women who were not secretaries.

Witnesses testified that minority recruitment is difficult because of the department's image in the community. Mr. Travisono said:

> There is something that overrides the Department of Corrections concepts--that we are oppressors, that we are oppressing people, and whether one likes to believe that or not, we oppress people....So we're having a great deal of difficulty in recruiting people when they come to us and ask what the job entails. (I, p. 130)

Natural Resources - At the time of the hearing, the Department of Natural Resources had failed to begin an affirmative action plan. In addition, the Department had no system of recruitment and no plans for career ladders or training programs. (I, pp. 189-190)

Transportation - The goals and timetables in the Department of Transportation's affirmative action plan were established for minorities but not for women. They specify a percentage of minority new hires of those referred by the personnel division rather than specifying a percentage of all new hires. The 7 percent new-hire goal for the noncompetitive laborer position is lower than the percentage of minorities in metropolitan Providence. (I, pp. 193, 199-200)

Recommendations:

The Rhode Island Advisory Committee, after review of the data in the area of the affirmative action mandate, makes the following recommendations.

---

[17] Letter from Herbert C. Rice, director of Office of Civil Rights Compliance, LEAA, to Anthony P. Travisono, July 3, 1973.

To the statewide EEO officer:

1. Vigorous action should be taken to assure that all departments and agencies of State government develop comprehensive, effective affirmative action plans with specific numerical goals and timetables, and a similar statewide affirmative action plan, covering non-civil-service as well as civil service employees, should be developed without delay.

2. Particular attention should be given to the development of mechanisms for the regular and consistent monitoring and review of all affirmative action plans.

3. Steps should be taken to assure that all departmental EEO officers are selected on the basis of objective criteria developed for such positions,[18] including an unquestioned commitment to equal employment opportunity for minorities and women. In no instance should the position be filled on a political or patronage basis.

To the Rhode Island Commission for Human Rights:

1. On the premise that the watchdog function of approving affirmative action plans should remain with an independent State commission, the Rhode Island Commission for Human Rights should request that the Governor amend Executive Order No. 14 to return final approval authority to the Commission, and additional funds should be requested to carry out this function effectively. The Commission should adopt a more aggressive stance in carrying out its review functions and in promoting EEO in State government.

---

[18] U.S., Civil Service Commission standards for the "Equal Opportunity Specialist, GS-160" is one possible model. Copies may be obtained from the U.S., Civil Service Commission or from the Northeastern Regional Office of the U.S., Commission on Civil Rights, 26 Federal Plaza, Rm. 1639, New York, N.Y. 10007.

To department directors:

1. Regardless of the action of the division of personnel, every department director should assign staff as needed to complete effective affirmative action plans, to implement and monitor such plans, and to attend to other departmental EEO responsibilities.

2. Every department director should review non-civil-service jobs and assure that they are covered by the department's affirmative action plan and that they are offered to minorities and women without discrimination.

3. Every department director should apply imagination and ingenuity to the use of available latitude within the civil service system to help assure equal employment opportunity for minorities and women.

4. Comprehensive training programs and career ladders should be developed at the departmental as well as the statewide level to assure equal employment opportunity for minorities and women. Upward mobility should be an integral part of departmental affirmative action plans.

5. Each department director should review deficiencies in his or her department and take remedial action, such as:

   (a) Social and Rehabilitative Services -- Because of the department's role in the delivery of important social services to the disadvantaged population, minority representation in the department should be increased, particularly in the social worker category.

   (b) Corrections -- Minority and female representation should be increased at all levels through an intensified recruitment and public education program and by revision of civil service tests.

   (c) Natural Resources -- Increased priority should be given to EEO in civil service and non-civil-service jobs and vigorous steps should be taken to increase minority and female representation at all levels.

   (d) Transportation -- Departmental goals should be amended to include women, and overall goals should be increased to assure equal employment opportunity for minorities and women.

C. The Role of the Governor

The Governor of Rhode Island, as the State's chief executive, has ultimate responsibility for the problems identified in this section of the Advisory Committee's report and has accountability for equal employment opportunity.

At the informal hearing, the Advisory Committee was told that responsibility for equal employment opportunity means not only changing employment practices which are exclusionary but taking remedial or affirmative action to make up for a history of exclusion.

Peter Robertson, director of the State and Community Affairs Division of the Equal Employment Opportunity Commission in Washington, D.C., said:

> The most significant thing affirmative action means is to voluntarily take remedial action to eliminate discrimination....If there is a practice which has exclusionary impact, then action necessary to alleviate that would be viewed not as preferential, but as remedial. (I, pp. 14, 63)

The Advisory Committee heard suggestions that only an independent, bipartisan group made up of knowledgeable and respected citizens who are relatively immune from political pressures, along with experts in civil service reform, could recommend and monitor the changes necessary to assure a fair employment system for the State. Additional expertise, it was suggested, could be obtained from the National Civil Service League or some other professionally recognized, independent group. (III, pp. 150-151)

In addition, certain specific areas such as the executive mandate for equal employment opportunity in State government and specific jobs such as the unclassified positions filled through the patronage system are the Governor's immediate responsibility.

The unclassified positions also offer an opportunity to the Governor to exert his authority without any administrative or legislative reform or change to assure EEO for minorities and women in State government.

At the time of this Advisory Committee's informal hearing, approximately 3,221 persons or 18.6 percent of the State's employees held unclassified jobs. These positions, largely in the courts and under the control of the executive office, are filled through a patronage system which is controlled by the party in power and members of the legislature. The executive office includes the Governor's office and a number of independent agencies, including the State Police.

Although a complete review of unclassified positions has not been made by the Advisory Committee, the personnel division's data include the following departments and divisions which have a high percentage of unclassified jobs. In 1973, the Governor's office included only 1 minority out of a staff of 38.[19] There were no minorities and only 2 women among the 16 persons in that office holding positions with salaries over $10,000. The State Police, which does not come under the regular civil service system, had only 3 blacks on the 199-man force. In the executive office as a whole, 10 (1.9 percent) of the 523 employees were black. One was female and 9 were males. Of 234 positions over $16,000 in that office, 2 were held by black men and 2 by white women. In the judiciary, there were 5 blacks among the department's 308 employees.[20]

Findings:

The Governor, as the State's chief executive, must be held accountable for equal employment opportunity within State government.

Therefore, following a review of the open meeting transcript, interviews, and other data, the Rhode Island Advisory Committee addresses the following general findings to the Governor:[21]

---

[19] A second black, the only one in a professional capacity, has been hired since the above data were collected.

[20] See Appendix A for more detailed statistics.

[21] These findings were submitted to Governor Noel in March 1974. A copy of the response from his office and a rebuttal to that response by the Advisory Committee are included as Appendices E and F.

1. On the basis of statistics alone, there is evidence in most State agencies of a possible pattern and practice of discrimination.[22]

2. The civil service system as it now operates does not assure equal employment opportunity for all people, and artificial and unnecessary barriers in the hiring and promotion processes perpetuate past discrimination against minorities and women.

3. The State's poor image in the community as an EEO employer and attitudes of many State personnel and departmental officials toward minorities and women tend to solidify patterns of discrimination and have tended to nullify affirmative efforts.

4. Political patronage as it now operates serves as a barrier to, rather than an instrument for, equal employment opportunity. Minorities and women are underrepresented even in the unclassified and noncompetitive jobs, where there are none of the barriers inherent in the testing and certification process.

5. Affirmative action efforts of the State's departments do not meet existing State and Federal requirements and fail to correct the inadequacies of the system.

6. Public officials, including the Governor and the former director of the Department of Administration, have failed to give sufficient priority to EEO efforts and programs. This failure has had repercussions throughout the State departments and helps to explain why affirmative action plans were not submitted on schedule, why EEO officers have been burdened with other responsibilities, and why individual departments have failed to make progress in hiring and promoting minorities and women.

Recommendations:

On the basis of its analysis of the available data, the Rhode Island Advisory Committee makes the following recommendations to the Governor:

---

[22] See Appendix A for detailed statistics.

1. The Governor, as chief executive of the State, is responsible for equal employment opportunity in State government and must take steps to insure the implementation of the recommendations listed in the previous sections.

2. As a means of implementing Executive Order No. 14, the Governor should require all department heads to give equal employment opportunity in non-civil-service as well as civil service jobs top priority in the administration of their departments. They should report to him within 30 days on their plans to do so and should report on a regular basis thereafter on the implementation of such plans.

3. The Governor should appoint a temporary committee or commission composed of knowledgeable citizens and professionals, of whom at least one half should be minorities and women, to make recommendations for overall reform of the civil service system with respect to equal employment opportunity.[23]

4. The Governor should issue an annual progress report on equal employment opportunity in State government, including a census of all State employees by race, sex, and salary.

5. Patronage, to the extent that it is used, should promote equal employment opportunity, and all non-civil-service jobs should be subject to the same affirmative action requirements as other State jobs.

---

[23] The committee or commission should have a specified life span with the possibility of an extension at the end of that period. Adequate funds should be provided for technical assistance and consultant service. It should work closely with the statewide EEO officers and departmental EEO officer. It should consult regularly with minority, women's, and community organizations and groups.

III. EQUAL EMPLOYMENT OPPORTUNITY IN THE CITY OF PROVIDENCE

According to the 1970 census, the city of Providence has a total population of approximately 180,000 persons, of whom 8.8 percent are black and 1.0 percent are members of other minority groups.[24] Although the total population decreased by more than 20,000 between 1960 and 1970, the minority population grew by almost 6,000, an increase of 4.2 percent. As in many cities across the country, minorities in Providence may be expected to continue to migrate into central city areas while whites move at an even faster rate into the surrounding suburbs.

According to Department of Employment Security 1973 statistics, minorities make up 8.6 percent of the existing work force. Both blacks and persons of Spanish speaking background have an unemployment rate of at least 8.0 percent, more than 1.0 percent higher than the white unemployment rate; 10.6 percent of the unemployed blacks formerly held professional, technical, and related jobs.

In the State as a whole, women make up slightly more than half of the population and a substantial part--or 46.2 percent--of the work force. According to DES figures, women have an unemployment rate of 7.2 percent, of whom 8.7 percent formerly held professonal, technical, or related jobs. Well over half the women in most age groups currently work. Since the most active feminist groups are located in the metropolitan Providence area, an increasing number of women may be expected to join the available labor market.

---

[24] According to the State Department of Community Affairs, the 2,000 other minorities included approximately 1,500 persons of Spanish speaking background, with the balance mostly Native American and Asian American.

City government employs about 2,278 full-time workers, of whom 5.6 percent are black, and 0.5 percent are members of other minority groups. About 11.8 percent are women.

As indicated in Exhibit F on the following page, white males hold the large majority of the higher paying jobs, while minorities and women are concentrated in the lower salary positions. Of 347 positions at $10,000 or over, 338 or 97.4 percent are held by white males. Seven of the remaining positions are held by black males, one is held by an Asian American male, and one by a white female.

Although the minority and female employment records vary from department to department, no department employs a large number of either group at all salary levels. The record of the fire department, with 10 minorities on the 528-person staff, is particularly poor. Complete statistics listing employees by race and sex for each department are included in Exhibit G which follows Exhibit F.

At the Advisory Committee's informal hearing, 12 city officials representing the Mayor's office, the department of planning and urban renewal, the police and fire departments and the department of personnel testified in an evening session on November 15 and a morning session on November 16, 1973.

Exhibit F

PROVIDENCE CITY GOVERNMENT

Employee Salary Level by Race and Sex
June 1973

		Male				Female			
Salary Level	Total (Both Sexes)	White	Black	Other	Total	White	Black	Other	Total
Under $10,000									
Number	1,931	1,554	105	5	1,664	246	16	5	267
Percent	100.0%	80.5%	5.4%	0.3%	86.2%	12.7%	0.8%	0.3%	13.8%
Over $10,000 (Including top salaries listed below)									
Number	347	338	7	1	346	1	0	0	1
Percent	100.0%	97.4%	2.0%	0.3%	99.7%	0.3%	-	-	0.3%
Over $16,000									
Number	7	7	0	0	7	0	0	0	0
Percent	100.0%	100.0%	-	-	100.0%	-	-	-	-

Source: Providence Municipal Government, taken from 1973 EEO-4 data.

Exhibit G

PROVIDENCE CITY GOVERNMENT

Employees by Race, Sex, and Department
June 1973

Department	White Male	White Female	Black Male	Black Female	Other Male	Other Female	Total Male	Total Female
Finance and Administration	38	75	1	2	0	0	39	77
Streets	210	15	15	1	2	0	227	16
Public Welfare	0	0	0	0	0	0	0	0
Police Protection	431	45	21	3	1	0	453	48
Fire	516	2	10	0	0	0	526	2
Natural Resources	180	21	18	4	0	0	198	25
Housing	28	9	1	0	0	0	29	9
Community Development	74	20	10	1	3	3	87	24
Utilities and Transportation	131	36	8	1	0	0	139	37
Sanitation	267	2	24	1	0	0	291	3
Other	17	22	4	3	0	2	21	27
Total	1,892	247	112	16	6	5	2,010	268

Source: Providence Municipal Government, taken from 1973 EEO-4 data.

A. The Employment System

> We don't have civil service. Basically, we have councilmen and it's a political structure. (III, p. 34)
>
> Louis A. Mascia
> City Solicitor

Repeatedly during the Advisory Committee's informal hearing, the system in Providence was described as a patronage system. (III, pp. 16, 21, 28, 33)

With the exception of the police and fire departments, a patronage system controls hiring and promotion policies in Providence city government. More than 75 percent of the applicants who are hired are referred by the city's 26 council members. Only two of these council members are black and none are women. No tests are given except for a typing test for some clerical positions. City residency is required for all positions. Although there are no general educational requirements, a high school diploma is preferred, even for the clerical level. Most technical or supervisory positions require higher degrees. Whenever possible, promotion is from within.

Statistics alone show that the patronage system as it now operates does not provide equal employment opportunity. Minority groups and women are underrepresented, particularly at higher salary levels. These statistics indicate that city officials have failed to take advantage of the flexibility offered by a patronage system and its freedom from the restrictions of civil service.

B. Affirmative Action

Executive Order No. 5, a city policy statement prohibiting discrimination in city government employment, and Executive Order No. 6, prohibiting discrimination by contractors with city government, were issued by Mayor Joseph Doorley in 1967. Both orders call for equal employment opportunity "without regard to race, creed, color or national origin" but not sex. Although Executive Order No. 6 calls for the contractors to take affirmative action to provide equal employment opportunity, Executive Order No. 5 does not require the city itself to take similar action.

Although Executive Order No. 5 was issued over 6 years ago, testimony at the hearing indicated it had not affected city policy to any measurable degree. Some department heads were unaware of its existence. (III, p. 42) Henry Murray, the personnel director, was unaware that discrimination on account of sex was not included in the order. (III, p. 43) Thomas Whitten, the former executive director of the Providence Human Relations Commission, testified he did not believe the order had been implemented. "I am not aware, nor have I seen any records that indicated that any bona fide implementation ever took place," Mr. Whitten said. (III, p. 108)

A black mayoral assistant was named the EEO officer in June 1973; however, at the time of the hearing, the city did not have an affirmative action plan.

At the hearing, Roosevelt Benton, the EEO officer, described his affirmative action efforts as follows:

> Right now I'm drawing up a plan, or have a plan, that's going to constitute a board with a high echelon woman and someone from personnel and myself and perhaps two councilmen. And what we're going to do is redesign a method of getting out information to agencies of more advertisements for jobs and that kind of thing. As far as pressure, I don't really exert pressure, but I try to make the fact known that the city may be below minority participation--this kind of thing. (III, p. 25)

Although he had been appointed affirmative action officer 6 months earlier, he had not developed an affirmative action plan nor initiated any actual affirmative action efforts. His plans for affirmative action seemed to be limited largely to recruitment.

Two departments, the police and planning and urban renewal, have affirmative action requirements imposed by the Federal Government as a result of their receiving Federal funds. The Law Enforcement Assistance Administration (LEAA) required that the police department develop an affirmative action plan and certify that the plan is on file by December 29, 1973. At the hearing, Francis Brown, commissioner of public safety, said that the certification would be submitted on schedule and that a plan which meets the same requirements would be developed for the fire department. (II, p. 68)

The police department met LEAA's requirements by the December deadline. However, a year later, in November 1974, the fire department had not yet completed its plan.

The department of planning and urban renewal was required to submit an EEO statement to the U.S. Department of Housing and Urban Development's (HUD) Boston regional office in January 1973. Although the department employed only 3 or 4 percent minority persons on the 110-person staff (as of June 1973), Department Director Vincent Pallozzi said in the required letter to HUD, that "An analysis of all major job classifications discloses no department's deficiencies in the area of equal employment opportunity" and "no underutilization of minorities in any particular job category."

At the hearing, Mr. Pallozzi commented that he believed that the letter "spells out our affirmative action plan." (II, p. 16) However, after the weaknesses in the letter were discussed, the department's EEO officer said the letter would not be acceptable if received from a contractor and made a commitment to develop an affirmative action plan within 2 weeks. (II, pp. 30, 42)

Members of the Advisory Committee were concerned that the comments of some officials reflected an attitudinal approach, which could be interpreted as discriminatory. At the informal hearing, some city officials appeared to be unusually insensitive to EEO issues. For instance, Major Leo Trambukis of the Providence police department referred to an Asian American as a "Chinaman," saying:

> We have a Chinaman in the closet--class today, the first Chinaman in the Providence police department is in the Providence police class right now. (II, p. 72)

Henry Murray, personnel director, and other city officials referred to women as "girls." (III, pp. 7, 15)

C. The Providence Human Relations Commission

The Providence Human Relations Commission was set up in 1963 with a broad mandate to prevent "discrimination against any racial, religious, or ethnic group" and to promote mutual understanding and respect among all such groups in the city. Although it has the power to initiate general studies and investigate specific complaints of discrimination, the Commission has no enforcement power. City government is not specifically included in its jurisdiction. In practice, the Commission often attempts informally to conciliate employment discrimination complaints before referring them to the State Human Rights Commission. Until September 1973, Thomas Whitten, the Commission's executive director, on occasion recruited minority applicants in an informal manner for city government.

Testimony by Mr. Whitten indicated that the Commission did not receive adequate support from city officials while he was executive director. A request for increased funding and additional powers was held without action in the Mayor's office for over a year. (II, p. 109) Monthly meetings between him and the Mayor ended after Mr. Whitten spoke out on the part of students during a controversy at Mt. Pleasant High School. (II, p. 122) After that incident, it became increasingly difficult for him to see the Mayor and to obtain the necessary assistance from the city's administration. (II, pp. 115, 123) "We are all pretty much frustrated with the lack of relationship with City Hall," Mr. Whitten said. (II, p. 124)

The proposal submitted to the Mayor by the executive director included requests for increased staff salaries, a full-time Spanish speaking field worker (the Spanish speaking staff member at the time of the hearing was paid with Federal funds through the Emergency Employment Act), a car, and subpoena powers. (II, pp. 109, 131-132)

Mr. Whitten said his efforts to recruit minorities for city employment were generally unsuccessful. In one instance, it took "6 months and three phone calls" before the person referred was interviewed. (II, p. 121)

D. The Emergency Employment Act and Training

In the Providence public employment program (PEP) funded by the Emergency Employment Act (EEA), 31.8 percent of the 301 persons employed from 1971 to 1973 were minority. However, the two independently-run programs in the police and fire departments, also funded by EEA, were not so successful.

In the fire department's EEA program, in the first half of 1973, all 20 EEA positions were filled by white males. The Opportunity Industrialization Center (OIC) referred 40 minority applicants, of whom only 6 reached the testing stage, and none were hired. In August 1973, only 6 or 7 of the more than 70 applicants were minority. In the police department's program, only 10 of the 20 available positions were filled. One of the 10 was black.

William Formicola, EEA program director, testified that the recruiting included continual contact with governmental and community agencies, including the Rhode Island Department of Employment Security, Model Cities, OIC, Progress for Providence, Neighborhood Youth Corps, Out of School Program and the Latin American Center. (III, p. 45) He said he planned to transfer at least 50 percent of the minorities to permanent jobs before the EEA program was discontinued.

In summarizing the success of the program, Mr. Formicola said:

> The Emergency Employment Act has given a lot of people the opportunity not only to be employed but also to develop good work habits. I feel that it has made a lot of people aware in the city government as to the competency of minorities and the attitudinal changes with respect to capabilities which they were not aware of before because of lack of minority representation in government. (III, p. 55)

At the time of the hearing, except for a restricted training program for EEA employees, there were no training programs in city government. Movement between the laborer or clerical and supervisory level was rare, and the concept of upward mobility was almost nonexistent.[25]

---

[25] Interview with Henry Murray, director of personnel, in Providence, R.I. July 18, 1973.

E. Police and Fire Departments

The police and fire departments each have independent employment systems governing PEP and regular employees. In both departments, applicants must pass an oral interview, a written test, a psychological test, and complete a training school. The police department's test was reviewed but not validated by staff at Providence College, and the fire department's test was reviewed but not validated by the Fire Fighters Association in Chicago. Both psychological tests are administered by a psychologist at the University of Rhode Island.

In March 1973, the police department had 11 minority group persons out of the 436 officers on the force. The fire department had 10 minorities on the 528-person force.

At the hearing, city officials attributed the problem of minority underrepresentation to one of image. For instance, Fire Chief Michael Moise said:

> It seems that the problem lies in the fact that they identify fire service, and I can say police service, too, as establishment, and they sort of turn away from this type of activity. (II, p. 47)

Although both departments unquestionably have poor images as equal opportunity employers, the Advisory Committee explored other barriers to EEO such as the fundamentals of their employment systems. It found that both departments have failed to initiate active recruiting efforts, to validate tests, and to promote minorities to the higher salary levels.

In the area of testing, fire department officials seemed to assume that questions including mathematics and current events were job-related. (II, pp. 53-55) Despite a series of court challenges to municipal fire department examinations, Francis Brown, the Commissioner of Public Safety, said: "Historically, as far as I understand, the fire department gives a fair exam. (II, p. 53) Police department officials testified that they believed an informal review by the head of the department of education at Providence College fulfilled validation requirements. (II, p. 74) "I thought this was a validation. I'm led to believe now it probably isn't. I'm not aware of any Federal standards on validation," Commissioner Brown said. (II, p. 81)

At the time of the meeting, neither department had an active minority recruitment program. The police department's four-person community relations staff was all white male. Major Steven Maroney testified that a black community relations officer who recently left "was replaced before he left by a sergeant, a white sergeant." (II, p. 104) The fire department has no recruitment program of its own.

Both departments have a poor record on promoting minorities. In the police department, there were 2 minorities out of 92 officers ranked above patrolmen. In the fire department, there was 1 minority out of 116 ranked officers.

As a result of all these factors, the Advisory Committee was told, minorities are not encouraged to apply for or stay with either force for any period of time.

Thomas Whitten, former executive director of the Human Relations Commission, said:

> I maintain that the only way that black people are going to begin to move towards the police department and fire department in terms of really seriously looking for employment would be two things. One, I think something has to happen to the testing; and secondly, something has to happen to those people already on the force. Because there is nobody that feels there is any reason why they ought to take seriously anybody talking about joining the force when they can see that people are resigning out of frustrations, that black people are resigning out of frustrations, and that other blacks who are seriously trying to get on the force are not being given this opportunity. (II, pp. 116-117)

F. Recommendations

The Rhode Island Advisory Committee makes the following recommendations to the Mayor of Providence and to various departments of city government:

1. The flexibility of the patronage system should be used to promote equal employment opportunity for women and minorities until such time as a nondiscriminatory merit system is instituted.

2. A strengthened Executive order covering EEO in city employment and city contractors and covering sex and race should be issued within 90 days with specific steps for implementation. An ordinance embodying the Executive order should be enacted as soon as feasible. The affirmative action required of the city government and contractors with the city should be in accordance with the criteria established in Federal Executive Order 11246 and Revised Order No. 4.

3. Within the next 90 days, the city of Providence should develop an affirmative action plan with realistic numerical goals and timetables to recruit, hire, and promote minorities and women. The position of citywide EEO officer should be made full time and carry responsibilities for internal and external affirmative action.[26]

4. Departmental affirmative action plans with goals and timetables should be developed for the police and fire departments and other departments, including the department of planning and urban renewal, which receive significant amounts of Federal funds. Mandatory EEO workshops should be held for all city officials with recruitment, hiring, promotional, and supervisory responsibilities.

5. The Providence Human Relations Commission should be strengthened through increased staff and funding and should have direct and regular communication with and the full support of the mayor.[27]

---

[26] The EEO officer should be appointed at a suitably high grade and salary level to indicate the city's commitment to EEO. The person should be selected according to job-related criteria. The EEO officer should screen all job openings and require a written explanation whenever a minority group person or a woman is among the qualified applicants and is not hired.

[27] The Commission's staff should include representatives of the Spanish speaking as well as the black community. Legislation should be enacted to give the Commission full subpoena powers.

6. With the phasing out of the City Emergency Employment Act program, steps should be continued to assure the transfer of a significant percentage of minority and female EEA employees to regular city jobs.

7. The new Comprehensive Education and Training Act (CETA) should be used extensively to train minorities and women; both classroom and on-the-job training should be available to city employees and a comprehensive training program for all city employees should be developed.

8. Particular attention should be given to the police and fire department's entry, training, and promotion processes. The written examinations should be revised, and, pending their validation, alternative selection devices should be used to hire new officers and fire fighters.

IV. EQUAL EMPLOYMENT OPPORTUNITY IN THE CITY OF EAST PROVIDENCE

The city of East Providence employs approximately 408 full-time employees, of whom 7 or 1.7 percent are black and 46 or 11.3 percent are women. As indicated by Exhibit H on the following page, white males hold almost all of the top-paying jobs--or 87 of 88 positions over $10,000. The remaining job at that level is held by a white woman. About 68 percent of the women, in comparison to 11 percent of the men, earn less than $7,500.

The city employs approximately 60 white Portuguese or 12.9 percent of the city's employees. There are 7 or 1.7 percent white Portuguese earning $10,000 or more. In addition, there are 2 blacks of Portuguese descent.[28]

According to the 1970 census, blacks make up 3.5 percent and Portuguese make up 12 percent of the 48,000 persons in the city. Women make up slightly more than 50 percent. The city grew by more than 12,000 in the past 20 years and became the fifth largest city in the State in 1970. The nonwhite population grew from 2.1 percent in 1960 to 3.5 percent and may be expected to continue to grow. For recruitment purposes,

---

[28] Population statistics on the Portuguese are not always consistent. Although the 1970 census defines Portuguese as any person born in Portugal or with parents born in Portugal, other statistics often include any person of Portuguese descent. Blacks of Portuguese descent are sometimes counted as black and sometimes as Portuguese. In the East Providence city government, black Portuguese are included in the Portuguese count.

Exhibit H

EAST PROVIDENCE CITY GOVERNMENT

Employee Salary Level by Race and Sex
June 1973

Salary Level	Total (Both Sexes)	Male			Female		
		White	Black	Total	White	Black	Total
Under $10,000							
Number	321	273	3	276	41	4	45
Percent	100.0%	85.1%	0.9%	86.0%	12.8%	1.2%	14.0%
Over $10,000 (Including top salaries listed below)							
Number	87	86	0	86	1	0	1
Percent	100.0%	98.9%	-	98.9%	1.1%	-	1.1%
Over $16,000							
Number	6	6	0	6	0	0	0
Percent	100.0%	100.0%	-	100.0%	-	-	-

Source: East Providence Municipal Government, taken from 1973 EEO-4 data.

the labor market for city government is the entire metropolitan Providence area, of which East Providence is a part.

The employment record differs from department to department. Some departments, such as police and public works, hire a relatively high percentage of white Portuguese. No department, however, hires more than one or two blacks. At the time of the informal hearing, the police department had no minority members. More complete statistics listing employees by department are included in Exhibit I on the following page.

A civil service system covers almost all city employees. Personnel administration is handled by the city manager and the director of personnel, while policy is determined by a three-person personnel board. At the time of the informal hearing, all five persons setting and administering employment practices were white males.

Although city residency is a requirement for employment, city officials have made a commitment to eliminate it. A similar requirement established under a separate ordinance for the police department has already been expanded statewide. (III, pp. 85-87)

Under the city's civil service system, applicants are required to take a physical examination, a written psychological test, and be interviewed by the city manager, the department head, and a member of the personnel board. Employees are selected from an eligibility list made up from the combined scores from the different tests. Separate but similar examination and interview processes have been set up for the police and fire departments.

Although the city does not have an affirmative action plan, a civil service ordinance includes a policy statement of nondiscrimination. This statement prohibits discrimination on the basis of "race, national origin, or political or religious opinions or affiliations," but it does not prohibit discrimination on the basis of sex. It is included along with a number of other unrelated items in subsidiary Section 9-34 of the ordinance entitled "Certain practices prohibited" and is not mentioned in the general personnel policy section.

At the hearing, four city officials--the city manager, the personnel director, and the police and fire chiefs--testified during the morning session of November 16.

Exhibit I

EAST PROVIDENCE CITY GOVERNMENT

Employees by Race, Sex, and Department
June 1973

Department	White		Black		Other		Total	
	Male	Female	Male	Female	Male	Female	Male	Female
Finance and Administration	10	24	0	2	0	0	10	26
Streets	43	0	0	0	0	0	43	0
Public Welfare	1	0	0	0	0	0	1	0
Police Protection	93	0	0	0	0	0	93	0
Fire	119	0	1	0	0	0	120	0
Natural Resources	17	0	0	0	0	0	17	0
Housing	6	2	0	1	0	0	6	3
Community Development	5	2	0	0	0	0	5	2
Utilities and Transportation	21	1	0	0	0	0	21	1
Sanitation	20	1	0	0	0	0	20	1
Other	24	12	2	1	0	0	26	13
Total	359	42	3	4	0	0	362	46

Source: East Providence Municipal Government, taken from 1973 EEO-4 data.

Because of time limitations, less data has been collected on East Providence than on the larger public employers under review. However, the Advisory Committee has identified the following problem areas:

At present, statistics alone show East Providence's city government does not provide equal employment opportunity for all persons. Except for white Portuguese, minority ethnic groups and women are underrepresented, particularly at the higher salary levels. Since several departments have hired substantial numbers of white (but not black) Portuguese, it is probable that skin color and not national origin is the basis for discrimination.

In East Providence, Portuguese make up 12 percent of the city's population and 16 percent of city government's work force. (III, p. 90) However, while 10 percent of the city's Portuguese residents are black, only 3 percent of those Portuguese hired by the city are black. (III, pp. 91, 93-95)

Jobs are frequently sex-tracked, with higher-salaried jobs held by white males and lower jobs generally held by females. Out of 44 clerical jobs, 31 are held by females doing traditional clerical work. Of the remaining 13 positions, eight are held by men doing clerical work in the police department, the central garage and the treasury division, all traditionally male areas. (III, p. 83) The remainder are signal operators and dispatchers in the fire department, positons which have never been occupied by women. (III, p. 79)

Blacks are underrepresented, even at the lower-salary unskilled levels. There are only 2 blacks out of 78 service maintenance men (III, p. 71) and only 3 blacks out of 31 female clerks. (III, p. 70) At the informal hearing, city officials argued that the city government did not have a large enough work force or enough entry level jobs to hire or train groups of people. Alfred Rendine, the personnel director, said:

> We do not have the flexibility to do many of the things that larger communities with larger work forces have. We have many odd positions. We do not have many general entry-type positions. (III, p. 68)

At the time of the informal hearing, affirmative action efforts were virtually nonexistent. Although the personnel director was very knowledgeable about Federal EEO requirements and components of an affirmative action plan, no such plan had yet been developed. The city did not have an affirmative action officer. However, a commitment to develop a program and a written plan for the police department and the city as a whole was made by the city manager and the personnel director during the informal hearing. (III, pp. 57, 109)

City officials described difficulties both in recruiting applicants and in having them certified. Mr. Rendine said:

> Our problem is getting enough applicants, number one. And number two, getting them on the employment (list). (III, p. 107)

When asked by the Advisory Committee whether the tests were too hard or whether too few persons were taking the tests, he said: "A little bit of both." (III, p. 107)

When questioned further, he admitted that the city needed to look at its tests and recruit more effectively. "This is what we are going to have to do," he said. (III, p. 107)

The city has not validated a single test, and Mr. Rendine said he did not believe it would be a position to do so:

> The validation problem is a very serious and complex problem. The more I read of it, the more confused I get. But I'm not a psychologist and I'm not a professional test instructor, and this is a problem that impacts directly on a small community like us. Because what the Federal Government is asking for is a tremendously expensive, tremendously complex, and tremendously time-consuming process, and it involves a great deal of expertise, and we just don't have it. (III, p. 105)

A. Recommendations

The Rhode Island Advisory Committee makes the following recommendations to the mayor, city manager and department heads of the city of East Providence:

1. The city of East Providence should develop an affirmative action plan within the next 90 days, to recruit, hire, and promote minorities and women. Departmental plans should be developed for the police and fire departments. All plans should include realistic numerical goals for hiring and promoting minorities and women over the next 5 years, with separate goals for black Portuguese until their representation in city employment is proportional to their representation in the population.

2. A citywide EEO officer should be appointed and given responsibilities for internal and external affirmative action.[29]

3. The city of East Providence's civil service ordinance should be amended to include a prohibition of discrimination on the basis of sex, an expanded statement requiring affirmative action in hiring minorities and women, and a requirement of minority and female representation on the city personnel board.

4. The personnel director should be assigned responsibility for recommending and implementing reforms necessary to correct barriers to minorities and women in the civil service system, including recommendations for appropriate legislation. Particular attention should be given to the testing process and the use of alternative selection devices.

---

[29] The EEO officer should be appointed at a suitably high grade and salary level to indicate the city's commitment to EEO. The person should be selected according to job-related criteria. The EEO officer should screen all job openings and require a written explanation every time a minority or woman is among the qualified applicants and is not hired. The officer should be assigned as much time as necessary to fulfill the EEO responsibilities.

V. EQUAL EMPLOYMENT OPPORTUNITY IN THE CITY OF NEWPORT

The city of Newport employs 395 persons, including 31 or 7.8 percent blacks, 16 or 4.1 percent white Portuguese, and 41 or 10.4 percent women. White males (including white Portuguese) hold almost all of the top salaried jobs, or 37 of the 39 jobs paying $10,000 or over. One black male and one white woman are in the higher salary brackets. (See Exhibit J on following page)

According to the 1970 census, blacks make up 7.2 percent and other minority groups make up 2.0 percent of the 34,500 persons in the city. Women make up slightly more than half the population. Although the city's total population declined by more than 2,000 between 1960 and 1970, its nonwhite population grew by 1.2 percent.

The minority employment record differs from department to department. The police department, the only agency to employ more than 3 or 4 blacks, has the best record with 9 black officers out of 89 uniformed personnel. The fire department with only 2 black officers has the worst record. More complete statistics listing employees by department are included in Exhibit K, which follows Exhibit J.

The city as a whole, has made gains in promoting EEO in recent years. Seventeen of the 23 blacks employed at the time of the hearing were hired since 1970. Three women have been promoted since 1960 to supervisory positions formerly held by men.

Exhibit J

NEWPORT CITY GOVERNMENT

Employee Salary Level by Race and Sex
April 1973

Salary Level	Total (Both Sexes)	Male White	Male Black	Male Other	Male Total	Female White	Female Black	Female Other	Female Total
Under $10,000									
Number	355	291	24	1	316	34	5	0	39
Percent	100.1%*	82.0%	6.8%	0.3%	89.0%	9.6%	1.4%	-	11.0%
Over $10,000 (Including top salaries listed below)									
Number	39	37	1	0	38	1	0	0	1
Percent	100.1%*	94.9%	2.6%	-	97.4%	2.6%	-	-	2.6%
Over $16,000									
Number	3	3	0	0	3	0	0	0	0
Percent	100.0%	100.0%	-	-	100.0%	-	-	-	-

*Does not add to 100.0% due to rounding.

Note: Portuguese are included in this exhibit by color rather than by national origin. Portuguese in Newport city employment include 11 white males, 1 black male, 4 white females, 3 black females--all under $10,000, and one white male over $10,000.

Source: Newport Municipal Government.

Exhibit K

NEWPORT CITY GOVERNMENT

Employees by Race, Sex, and Department
April 1973

	White		Black		Other		Total	
	Male	Female	Male	Female	Male	Female	Male	Female
Public Works	42	1	4	0	0	0	46	1
City Hall	10	8	3	0	0	0	13	8
Finance	6	12	0	0	0	0	6	12
Police Protection	83	5	12	3	0	0	95	8
Fire	98	0	2	0	0	0	100	0
City Clerk	6	3	0	1	0	0	6	4
Water	48	1	4	0	1	0	53	1
Recreation	6	2	0	0	0	0	6	2
Utilities and Transportation	0	0	0	0	0	0	0	0
Sanitation	21	1	0	0	0	0	21	1
Other (Engineering, Planning, Building Inspection)	9	2	1	1	1	0	11	3
Total	329	35	26	5	2	0	357	40

Note: White male employees of Portuguese descent are included in figures given for the following departments: public works (2), city hall (1), finance (1), city clerk (2), water (6), and sanitation (3). One black male in public works is of Portuguese descent. Black females of Portuguese descent are included in totals for police protection (2) and city clerk (1).

Source: Newport Municipal Government.

The civil service system covers almost all city employees. Personnel administration is handled by the city manager and director of personnel, according to civil service regulations set up by the City Council. The personnel director is female, the only woman in city government earning $10,000 or more.

The city did not have an affirmative action plan at the time of the informal hearing. In an interview in July 1973, the personnel director said that the city did not have a written policy statement requiring nondiscrimination, either. However, such a statement contained in the city's 1963 Merit Ordinance was forwarded to the Advisory Committee by the city several months after the informal hearing.

Four city officials--the city manager, the police chief, and the outgoing and incoming fire chiefs--as well as representatives from Newport community groups, testified in the afternoon session on November 16, 1973.

Because of time limitations, less information was collected on Newport than on the larger public employers under review. Nonetheless, the Advisory Committee has identified the following problems:

Statistics alone indicate that the city's employment system does not provide equal employment opportunity for all persons. As shown in Exhibit J, minorities and women are underrepresented at the higher salary levels.

At the time of the meeting, except for the police department, affirmative action efforts were nonexistent. An EEO officer had not been appointed, and there were no plans for a citywide affirmative action plan. City officials at the hearing were not familiar with Federal regulations governing equal employment opportunity and affirmative action. (III, p. 188)

At the time of the meeting, recruitment, except for the police department, depended largely upon word-of-mouth communication. Recruitment is handled by the personnel director. The city manager testified that job announcements were regularly sent to community, civic, and minority groups and said that city officials contact civic leaders on a "one-to-one basis." (III, p. 157) Community leaders, however, said that they received the announcements only after the Advisory Committee began its investigation in June 1973. Further, they stated that city personnel had never made personal visits to recruit applicants. (III, pp. 196, 199)

In addition, the police department has its own minority recruitment program run by a black community relations officer. The officer recruits on a one-to-one basis at local high schools and community centers and advises applicants as they go through the hiring process. Between 1970 and 1972, the number of black officers increased from 3 to a maximum of 10.

Despite the presence of a woman as director of personnel, the city's image as an EEO employer is poor. Several community leaders testified that they did not believe that city officials were really interested in hiring minorities, and they were unwilling to make referrals at the expense of losing their own credibility in the community. (III, pp. 195-196)

Rowena Stewart, director of the Martin Luther King Center, told the Advisory Committee:

> We want them to make a commitment that they intend to hire and not send a postage stamp and have our people rebuffed at the desk. (III, p. 199)

At the meeting, some city officials showed an unusual insensitivity to EEO issues and demonstrated seemingly racist attitudes. In public testimony, William H. Conerton, the fire chief designate, said:

> Well, like I say, I was born and brought up with colored boys...and talking back and forth, 14, 15 years old, with the colored boys, they always seemed to have the fear of ladders. (III, p. 179)

Under the civil service system, applicants are selected on the basis of scores on examinations developed largely by the International Public Personnel Association. For the police and fire departments, applicants also must take a written psychological test, a physical examination, and be interviewed by a panel of officers before selection for the statewide police and fire training academies.

The city's civil service examinations have not been validated or even carefully reviewed. The city manager testified that he had not completed any "detailed study" of the examinations. (III, p. 182) The review process seems to depend upon his personal reactions to a test rather than upon careful analysis. For instance, in describing the State psychological test for the police department, the city manager said: "I found that a lot of comments that were made are right on the button." (III, p. 182)

At the time of the hearing, the city manager screened arrest as well as conviction records for all applicants for city jobs. He testified that he saw the arrest information only because it was "on the same card" as the conviction information and that arrest information did not influence his final judgement. (III, p. 163) However, police officials were unwilling to refer only information on conviction to the city manager, although this practice is followed in many cities throughout the country. (III, p. 165)

A. Recommendations

The Rhode Island Advisory Committee makes the following recommendations to the mayor, city manager, and department heads of the city of Newport:

1. The city of Newport, within the next 90 days, should develop an affirmative action plan to recruit, hire, and promote minorities and women. Departmental plans should be developed for the police and fire departments. All plans should include realistic goals and timetables for hiring and promoting minorities and women over the next 5 years.

2. A citywide EEO officer should be appointed with responsibilities for internal and external affirmative action.[30]

3. Mandatory EEO workshops should be held for all city officials with recruitment, hiring, promotion, and supervisory responsibilities.

---

[30] The EEO officer should be appointed at a suitably high grade and salary level to indicate the city's commitment to EEO. The person should be selected according to job-related criteria. The EEO officer should screen all job openings and require a written explanation whenever a minority group person or a woman is among the qualified applicants and is not hired. The officer should be assigned as much time as necessary to fulfill his/her EEO responsibilities.

4. The personnel director should be assigned responsibility for recommending and implementing reforms necessary to correct barriers to minorities and women in the civil service system, including recommendations for appropriate legislation. Particular attention should be given to the testing process and the use of alternative selection devices.

5. Information on conviction records alone, and not arrest records, should be made available on applicants for city jobs.

VI. THE FEDERAL MANDATE FOR EQUAL EMPLOYMENT OPPORTUNITY

Equal opportunity in employment is mandated by a number of Federal enactments -- laws, regulations, Executive orders and court decisions which constitute a comprehensive ban on job discrimination in private and public employment. Although the courts had ruled that discrimination by State and local governments violated the 14th Amendment, for several years there was no Federal enforcement machinery to take action against these governments.

Equal Employment Opportunity Commission:

In 1972, Title VII of the Civil Rights Act of 1964 was amended to include State and local governments in its jurisdiction. The Equal Employment Opportunity Commission (EEOC)[31]

---

[31] EEOC, established under Title VII of the Civil Rights Act of 1964, initially had the authority to conciliate complaints of employment discrimination based on race, color, religion, sex, or national origin against most private employers, employment agencies, and unions. In 1972, State and local governments were included in its jurisdiction as part of an expansion of its authority. In addition, it was empowered to file court suits against private employers. Cases against public employers must be referred to, or can be initiated by, the Department of Justice. Individual complaints in Rhode Island may be filed with the Boston Regional Office of EEOC within 300 days after the alleged act of discrimination occurs.

and the Department of Justice, respectively, were given administrative and enforcement responsibility. The 1972 Act requires all State and local governments to provide statistical data on employees by race, sex, job category, and salary level[32] annually. The Justice Department has since initiated court suits against a number of public employers.

Under Title VI of the same act, which prohibits discrimination in programs and activities receiving Federal financial assistance, employment discrimination is prohibited in manpower development, training, and other programs whose primary purpose is to provide employment. Also, discriminatory employment practices are prohibited where they would tend to result in discriminatory or unequal treatment for beneficiaries of the program.

At least 13 Federal departments, agencies, and commissions have separate EEO requirements and/or enforcement mechanisms.

A. Civil Service Commission

The most comprehensive monitoring authority is lodged in the Intergovernmental Personnel Programs Division (IPPD) of the U.S. Civil Service Commission. Under the Intergovernmental Personnel Act of 1970, the Commission was authorized to monitor Federal Merit Standards in more than 20 federally-funded merit system programs and to prescribe and administer, but not enforce, these standards. (I, pp. 40-41) These merit standard programs, funded by a number of Federal departments and agencies, include health, welfare and manpower training programs, old age assistance, alcohol and drug abuse, and certain civil defense activities. In 1971, new regulations for Federal Merit Standards for personnel administration were developed to outline guidelines for the federally-funded programs.

---

32. The EEO-4 forms initially were required to be submitted to EEOC by Oct. 30, 1973. When many localities failed to meet that deadline, it was often extended on a case-by-case basis. The State of Rhode Island failed to meet its extended Jan. 31, 1974, deadline. The city of East Providence submitted the forms before the original deadline, while Providence met its extended Nov. 30, 1973, deadline.

These regulations call for "affirmative action"[33] to assure equal employment opportunity in merit system programs operated by State and local governments. Under this authority, IPPD asks for affirmative action plans from local operating agencies.

However, despite the mandate for affirmative action, IPPD's role is a limited one. The division asks for plans, but it does not consider that it has authority to approve or disapprove them.[34] IPPD makes recommendations to improve the plans and works with the local agency in a spirit of "cooperation"[35] to obtain the desired changes.

The Commission has no enforcement powers and must refer any grant-aided agency in violation of merit standards to the funding Federal department which theoretically may cut off funds. However, in general, not only are the funds rarely, if ever, cut off, but the Commission rarely recommends such action.

---

33. "Standards for a Merit System of Personnel Administration" read: "Equal employment opportunity will be assured in the State system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political, religious opinions or affiliations or because of race, national origin, or other nonmerit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex or physical requirements constitute a bonafide occupational qualification necessary to proper and efficient administration." (I, p. 42)

34. Letter from L. F. Cronin, Director, Boston Region, U.S. Civil Service Commission, to Jacques E. Wilmore, Northeastern Regional Director, U.S. Commission on Civil Rights, Jan. 31, 1974, pp. 2-3, Appendix D.

35. Letter from Mr. Cronin to Mr. Wilmore, p. 3, Appendix D. Also I, p. 49.

Mr. Cronin said: "To our knowledge, no Federal agency has threatened a fund cut-off for any Rhode Island agency on the basis of any recommendations or report by our office."[36]

Many professionals in the field believe the U.S. Civil Service Commission could and should take a more active role. At the hearing and in subsequent interviews, Jean Couturier, executive director of the National Civil Service League, criticized the Civil Service Commission and other Federal agencies for failing to use their authority to enforce the EEO requirements of the Federal Merit Standards system. "The Federal government...gives away some 35 billion dollars in grant-in-aid and pays the salaries of some 40 percent of State and local employees. I think it is incumbent on those people (the U.S. Civil Service Commission) who carry that kind of authority to say to a government, 'You have x time to come up with an acceptable plan and if you don't, then we will impose some other system on you including numerical goals and timetables and the possible loss of Federal funds.' (III, p. 146, expanded in an interview Aug. 13, 1974).

In addition, IPPD administers training and technical assistance programs for State and local governments.[37] Set up by the Intergovernmental Personnel Act of 1970, these programs have slightly different EEO requirements. The agencies receiving the grants must certify that the funded program is in compliance with the merit principles as part of the grant application. In many cases, IPPD asks the recipients to submit an affirmative action plan.[38]

---

36. In Rhode Island State government, IPPD has asked for and received affirmative action plans from 11 agencies. Letter from Mr. Cronin to Mr. Wilmore, p. 2, Appendix D, also I, pp. 52-53 for list of agencies.

37. IPPD has provided technical assistance and funds to improve the State employment system including EEO workshops and money for a walk-in test center.

38. IPPD has requested plans from Warwick and Cranston, cities receiving IPA funds for programs covering the entire State and has received a plan from Cranston.

B. Law Enforcement Assistance Administration

The Law Enforcement Assistance Administration (LEAA) has its own EEO requirements for State and local agencies receiving grants of $25,000 or more, employing 50 persons or more, and servicing a minority population of 3 percent or more.[39] The new legislation requires that funded agencies certify to their statewide law enforcement planning council that an affirmative action plan has been developed consistent with department guidelines. Certifications should have been filed by December 29, 1973.

C. Department of Housing and Urban Development

The U.S. Department of Housing and Urban Development (HUD) has a statutory requirement prohibiting discrimination in all its programs. Affirmative action requirements are established on a contractual basis in two important programs -- urban renewal and public housing. In addition, all applicants for planning funds under the Comprehensive Planning Assistance Program must submit an affirmative action plan as part of the grant application.

D. Court Action

Before Title VII, a charge of discrimination required proof that there was intent to discriminate or that members of one group were treated differently or unequally from members of another. But court interpretations of Title VII have forced a closer investigation into the actual processes by which discrimination occurs, and the courts have concluded that discrimination may be the result of employment practices which have a disparate effect on excluded groups even if there is no intentional act of discrimination.

---

[39] The State Department of Correction and the police departments of the cities of Providence, East Providence, and Newport filed certifications with the Governor's Committee on Crime, Delinquency, and Criminal Administration, the State agency which disburses LEAA funds, prior to the December deadline.

Griggs v. Duke Power Co., a case challenging both the high school diploma requirements for certain positions in the company and tests administered by the company, laid down the fundamental legal principles prohibiting practices which are discriminatory in consequence rather than motive.[40]

Following the Griggs v. Duke Power decision, EEOC and the Department of Justice have brought a number of cases based largely on an analysis of statistics alone. If a company's work force includes few minorities and women, the entire employment system is subject to scrutiny, and the burden is placed upon the employer to prove that practices are not discriminatory.

In Jones v. Lee Way Motor Freight, employment data were used to establish a prima facie case that race was a factor in the company's having one category of all-black drivers. "In racial discriminatory cases, statistics often demonstrate more than the testimony of many witnesses and they should be given proper effect by the courts," the 10th Circuit Court ruled.[41]

While EEOC has moved against private employers, the Department of Justice has filed some suits against public employers using statistics as part of the argument that certain employment practices are discriminatory.

---

[40] The Griggs decision, handed down by the Supreme Court (reversing the decision of the court of appeals) prohibited the requirement of a high school diploma and/or successful completion of a test where these were not proven to be job-related. It ruled that regardless of intent, requirements which are "built-in headwinds" or "operate to freeze" the status quo of prior discriminatory practices should be prohibited when not proven to be job-related. 401 U.S. 424 (1971)

[41] Jones v. Lee Way Motor Freight, Inc., 431 F.2d 245 (10th Cir. 1970).

In Carter v. Gallagher, the Eighth Circuit Court of Appeals found the Minneapolis Fire Department guilty of discrimination because the department had virtually no minority firemen. The Court ruled: "In view of the lack of substantial evidence to rebut an inference based upon statistics of unlawful racial discrimination in the use of tests by a municipal fire department to screen job applicants, a Federal trial court properly determined that the tests were racially discriminatory even though there was no express finding of bad faith or evil motives on the part of the municipal officials.[42]

Subsequent to Carter v. Gallagher, a number of municipal fire and police departments have been charged with discrimination, including agencies in Boston, Buffalo, Chicago, and San Francisco. In Boston, of particular interest because of its proximity to Rhode Island, Judge S. J. Wyzanski ordered the Massachusetts Civil Service to discontinue the police department's entrance examination,[43] and in a consent decree pursuant to a Court of Appeals order, to hire minority applicants first according to a one-to-one and later to a one-to-three ratio.

---

[42] Carter v. Gallagher, 452 F. 2d 315 (8th Cir. 1972).

[43] "The categories of question sound as though they had been drawn from Alice in Wonderland. On their face the questions seem no better suited to testing ability to perform a policeman's job than would be crossword puzzles. Nor has there been any attempt to prove by empirical validation that although on their face these questions seem not to be rationally related to a policeman's job and thus predictive of the ability of persons successfully to be policemen or at least successfully to be trained as policemen, the facts are that these tests do test such ability," the court stated as it criticized the tests for emphasizing academic and verbal skills. (Castro v. Beecher, U.S. District Court, Massachusetts, 1971 4 EPD 7569).

More recently, the U.S. District Court ordered the fire departments throughout the State of Massachusetts to hire minorities on a one-to-one or one-to-two ratio, depending upon the minority population in the locality, until the minority representation equals the representation in the locality.[44]

In many of the court decisions, the employer is required either to validate its employment practices or to terminate those practices.[45] In addition, the employer is ordered to compensate for the discrimination either by changing its selection and hiring process to favor the excluded group and/or in some cases authorizing backpay or promotions. In most instances, numerical goals for hiring and promoting the affected minority group were then imposed by the courts.

---

[44] NAACP v. Beecher and Dept. of Justice v. Boston, 371 F Supp. 507 (Mass. 1974), reaffirmed by a three-judge court of appeals, 1st Cir. Sept. 18, 1974, docket no. 74-1067.

[45] For a summary of test validation, see Section I, p. 11, footnote #6.

E. Federal Enforcement in Rhode Island

As previously indicated, employment statistics in the four governments show that minorities and women are underrepresented, particularly at the higher salary levels, and indicate that employment practices may be discriminatory in consequence if not in motive.

Peter Robertson, director of the State and Community Affairs Division of EEOC, discussed exclusionary practices, saying:

> If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited. Measured by that standard it is the conclusion of EEOC that State and local employment practices generally are not in compliance with Title VII of the Civil Rights Act. (I, p. 57)

Michael Van Leesten, executive director of OIC, discussed tactics for change:

> We're in a political process, and irregardless of how well-meaning any political official is, there is a point to which he will and will not go. And it seems to me the Federal Government has to provide the clout which will in fact give the elected official the kind of leverage they need to pull off something....I think that if you leave it up to the State officials, then we'll be right back where we started from. (I, pp. 26,27,28)

At the time of the meeting the U.S. Department of Justice had not filed an employment discrimination suit against any governmental unit in Rhode Island, although it has the clear authority to do so.

The 1972 Equal Employment Opportunity Act specifically gives the Equal Employment Opportunity Commission (EEOC) responsibility for EEO in State and local governments. Although EEOC does not have the power to take Rhode Island governments to court, its powers to investigate, mediate, and refer cases for court action are important tools for change. When the facts warrant it, the EEOC does not have to wait for a complaint to be filed by a citizen.

In Rhode Island, all such complaints are referred to the State Commission for Human Rights. The Commission received 39 complaints in fiscal 1974.

The EEOC may file a Commissioner's charge against offending governmental units. To date no Commissioner charges have been filed against public employers in Rhode Island.

The U.S. Civil Service Commission has given technical assistance to, and conducted a series of reviews of, employment practices in the Rhode Island State government. Technical assistance provided includes a series of EEO workshops sponsored jointly with the Department of Administration and the Department of Community Affairs. The Commission provided funds for a walk-in test center at the division of personnel headquarters and for other improvements.

In addition, the Commission has conducted two indepth studies, one of the Division of Personnel and another of the Department of Social and Rehabilitative Services (SRS). As noted earlier, the large majority of recommendations to the division of personnel had not been implemented at the time of the hearing. Similarly, very few of the recommendations to SRS were implemented. For instance, SRS failed to include goals and timetables to hire minorities as social workers in its affirmative action plan as recommended by the Civil Service Commission.

In addition, the Commission has not consistently recommended goals and timetables as an essential element of an affirmative action plan. At the Advisory Committee's hearing, L. F. Cronin, Boston Regional Director of the Commission, summarized its position on goals and timetables as interpreted by what is known as the "four party agreement," issued by the U.S. Civil Service Commission, the U.S. Department of Labor, the U.S. Department of Justice and the Equal Employment Opportunity Commission in 1973. He said goals and timetables were:

> An excellent method of taking remedial action as part of the program where there have been in the past problems of discrimination. The four party agreement falls short of requiring goals and timetables. It highly endorses them. (I, p. 77)

F. Findings

Following a review of the data and Federal enforcement efforts, the Advisory Committee concludes the following:

1. At present there are a number of Federal agencies, including EEOC, the U.S. Civil Service Commission, the Law Enforcement Assistance Administration, and the U.S. Department of Housing and Urban Development, which impose different regulations regarding equal employment opportunity within various Rhode Island State and local departments.

2. In general, the standards applied to private industry are more severe than those applied to public employers. For instance, through Federal Executive Order 11246 and Revised Order 4, private contractors receiving Federal funds are required to include numerical goals and timetables as part of their affirmative action plans. Although some Federal agencies suggest that public employers use goals and timetables, only the Law Enforcement Assistance Administration requires them.

In public testimony, city and state officials criticized the inconsistency of Federal requirements and said that in many cases standards for private contractors set by the Federal Government and administered at the local level were stricter than the standards they had to meet.

Alfred Rendine, personnel director for East Providence, said:

> I believe that there are different standards right now (from different Federal agencies). Other Federal agencies do not require what LEAA is requiring in their program. (III, p. 60)

Thomas D. Jackvony, State EEO officer for contract compliance, said:

> The Federal guidelines that we're required to uphold definitely led to an atmosphere requiring people doing business with the State to do more in the line of affirmative action than the State itself. (I, p. 203)

In similar discussion of the affirmative action "statement" submitted by the Providence Department of Planning and Urban Renewal, Peter Peligian, the EEO officer, admitted that his department's statement would not be acceptable if submitted to them by a private contractor. (II, p. 42)

3. The U.S. Civil Service Commission has provided extensive technical assistance as well as funds to improve the Rhode Island employment system. However, because of its essentially passive interpretation of its own affirmative action mandate and lack of any enforcement mechanism, the effectiveness of its work has been limited. For instance, the majority of its recommendations to the personnel division and the Department of Social and Rehabilitative Services have not been implemented.

G. Recommendations

The Rhode Island Advisory Committee makes the following recommendations to Federal enforcement agencies:

1. The Department of Justice should review all available data to determine whether there is cause for a suit charging discrimination on the basis of race and sex against Rhode Island government and the governments of Providence, East Providence, and Newport.

Given the prevailing attitudes at many levels of government in Rhode Island the political realities related to self-reform, the Advisory Committee recommends that court-imposed numerical goals or other strong Federal action is needed to assure equal employment opportunity for all citizens.

2. The Equal Employment Opportunity Commission should review the same data to determine whether there is cause for a Commissioner's charge to be filed against the four governments because of discrimination on the basis of race and sex.

3. Instead of the multitude of Federal regulations and enforcement mechanisms, a single standard for EEO and affirmative action, such as Executive Order 11246 and Revised Order No. 4, should be developed by the Equal Employment Opportunity Coordinating Council or another Federal body and applied equally to public and private employers.

4. Until such time as Recommendation No. 3 is put into effect, the U.S. Civil Service Commission should develop written guidelines, including specific sanctions and enforcement mechanisms, requiring Federal Merit Standards agencies and IPA grantees at the State and local levels to meet the same affirmative action criteria as private industry.

APPENDIX A

Breakdown by Race, Sex, and Salary Level
of Employees in all Rhode Island State Departments -
June 1973.

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

State Government (All Departments)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	545	49	2	2	1	506	18	0	0	3
4000 +	1,129	86	3	1	1	780	20	2	1	1
6000 +	1,605	99	4	5	1	1,511	59	1	1	2
8000 +	929	64	1	4	3	1,414	42	1	0	2
10000 +	583	46	3	3	1	1,148	30	3	1	0
13000 +	183	19	0	2	0	588	11	1	2	0
16000 +	94	15	0	5	0	480	15	3	8	1
25000 +	11	0	0	1	0	118	3	0	2	0
Total (12,278)	5,079	378	13	23	7	6,545	198	11	15	9
Percent	41.37%	3.08%	0.11%	0.19%	0.06%	53.31%	1.61%	0.09%	0.12%	0.07%

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Department of Community Affairs

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	11	1	0	0	0	4	0	0	0	0
4000 +	18	1	0	0	0	5	0	0	0	0
6000 +	13	0	0	0	0	2	3	0	0	0
8000 +	5	0	0	0	0	9	1	0	0	0
10000 +	10	2	0	0	0	13	3	0	0	0
13000 +	0	0	0	0	0	13	0	0	0	0
16000 +	2	0	0	0	0	9	1	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (126)	59	4	0	0	0	55	8	0	0	0
Percent	46.83%	3.17%	-	-	-	43.65%	6.35%	-	-	-

Department of Corrections

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	5	0	0	0	0	14	6	0	0	0
4000 +	27	1	0	0	0	7	0	0	0	0
6000 +	50	0	0	0	0	28	5	0	0	0
8000 +	30	4	0	0	0	66	9	0	0	0
10000 +	19	0	0	0	0	124	5	2	1	0
13000 +	10	0	0	0	0	75	3	1	0	0
16000 +	2	1	0	0	0	75	7	0	0	0
25000 +	0	0	0	0	0	12	1	0	0	0
Total (590)	143	6	0	0	0	401	36	3	1	0
Percent	24.24%	1.02%	-	-	-	67.97%	6.10%	0.51%	0.17%	-

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Department of Administration

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	34	0	0	1	0	11	0	0	0	0
4000 +	116	4	0	0	0	79	0	0	0	0
6000 +	60	2	1	0	0	124	0	0	0	0
8000 +	31	2	0	0	0	85	0	0	0	0
10000 +	14	0	0	0	0	85	2	0	0	0
13000 +	5	0	0	0	0	26	0	0	0	0
16000 +	2	0	0	0	0	32	0	0	0	1
25000 +	0	0	0	0	0	1	0	0	0	0
Total (718)	262	8	1	1	0	443	2	0	0	1
Percent	36.49%	1.11%	0.14%	0.14%	-	61.70%	0.28%	-	-	0.14%

Division of Personnel

Salary	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	7	0	0	0	0	4	0	0	0	0
4000 +	22	0	0	0	0	1	0	0	0	0
6000 +	10	0	0	0	0	1	0	0	0	0
8000 +	5	1	0	0	0	13	0	0	0	0
10000 +	5	0	0	0	0	6	0	0	0	0
13000 +	1	0	0	0	0	3	0	0	0	0
16000 +	1	0	0	0	0	7	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (87)	51	1	0	0	0	35	0	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Department of Employment Security

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	104	4	1	0	0	4	0	0	0	1
4000 +	78	9	1	0	0	12	1	0	0	0
6000 +	82	0	0	0	0	38	4	0	0	1
8000 +	82	4	1	0	0	80	1	0	0	1
10000 +	61	3	0	0	0	58	1	0	0	0
13000 +	9	1	0	0	0	31	0	0	0	0
16000 +	4	0	0	0	0	12	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (689)	420	21	3	0	0	235	7	0	0	3
Percent	60.96%	3.05%	.44%	-	-	34.11%	1.02%	-	-	.44%

Department of Mental Health

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	251	29	0	1	0	280	6	0	0	1
4000 +	300	36	0	1	1	172	10	0	1	0
6000 +	649	63	1	5	0	395	29	0	1	1
8000 +	356	42	0	4	3	281	14	1	0	0
10000 +	260	32	2	3	1	186	5	1	0	0
13000 +	101	17	0	2	0	85	6	0	2	0
16000 +	55	14	0	5	0	100	5	3	8	0
25000 +	5	0	0	1	0	27	2	0	2	0
Total (3,864)	1,977	233	3	22	5	1,526	77	5	14	2
Percent	51.16%	6.03%	.08%	.57%	.13%	39.49%	1.99%	.13%	.36%	.05%

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Executive Department

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	6	0	0	0	0	6	0	0	0	0
4000 +	18	1	0	0	0	33	0	0	0	0
6000 +	38	0	0	0	0	109	5	0	0	0
8000 +	9	0	0	0	0	59	2	0	0	0
10000 +	2	0	0	0	0	66	0	0	0	0
13000 +	0	0	0	0	0	67	1	0	0	0
16000 +	0	0	0	0	0	80	1	0	0	0
25000 +	0	0	0	0	0	20	0	0	0	0
Total (523)	73	1	0	0	0	440	9	0	0	0
Percent	13.96%	0.19%	-	-	-	84.13%	1.72%	-	-	-

Governor's Office (Division of Executive Department)

Salary	FEMALE WHITE	FEMALE BLACK	FEMALE SPAN	FEMALE ASN/AMER	FEMALE OTHER	MALE WHITE	MALE BLACK	MALE SPAN	MALE ASN/AMER	MALE OTHER
$ 1000 +	1	0	0	0	0	0	0	0	0	0
4000 +	1	1	0	0	0	3	0	0	0	0
6000 +	11	0	0	0	0	0	0	0	0	0
8000 +	2	0	0	0	0	3	0	0	0	0
10000 +	2	0	0	0	0	3	0	0	0	0
13000 +	0	0	0	0	0	1	0	0	0	0
16000 +	0	0	0	0	0	9	0	0	0	0
25000 +	0	0	0	0	0	1	0	0	0	0
Total (38)	17	1	0	0	0	20	0	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Governor's Committee on Crime (Division of Executive Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	0	0	0	0	0	4	0	0	0	0
6000 +	1	0	0	0	0	0	0	0	0	0
8000 +	2	0	0	0	0	0	0	0	0	0
10000 +	0	0	0	0	0	4	0	0	0	0
13000 +	0	0	0	0	0	3	0	0	0	0
16000 +	0	0	0	0	0	1	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (15)	3	0	0	0	0	12	0	0	0	0

State Police (Division of Executive Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	1	0	0	0	0	1	0	0	0	0
6000 +	5	0	0	0	0	14	1	0	0	0
8000 +	0	0	0	0	0	9	0	0	0	0
10000 +	0	0	0	0	0	32	0	0	0	0
13000 +	0	0	0	0	0	56	1	0	0	0
16000 +	0	0	0	0	0	65	1	0	0	0
25000 +	0	0	0	0	0	16	0	0	0	0
Total (202)	6	0	0	0	0	193	3	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex and Salary - June 1973

Sheriffs (Providence - Division of Executive Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	1	0	0	0	0
4000 +	2	0	0	0	0	1	0	0	0	0
6000 +	4	0	0	0	0	40	4	0	0	0
8000 +	1	0	0	0	0	19	0	0	0	0
10000 +	0	0	0	0	0	1	0	0	0	0
13000 +	0	0	0	0	0	2	0	0	0	0
16000 +	0	0	0	0	0	0	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (75)	7	0	0	0	0	64	4	0	0	0

Sheriffs (Kent - Division of Executive Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	1	0	0	0	0	1	0	0	0	0
6000 +	1	0	0	0	0	1	0	0	0	0
8000 +	0	0	0	0	0	10	0	0	0	0
10000 +	0	0	0	0	0	2	0	0	0	0
13000 +	0	0	0	0	0	0	0	0	0	0
16000 +	0	0	0	0	0	0	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (16)	2	0	0	0	0	14	0	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex and Salary - June 1973

Sheriffs (Washington - Division of Executive Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	0	0	0	0	0	0	0	0	0	0
6000 +	0	0	0	0	0	4	0	0	0	0
8000 +	1	0	0	0	0	3	0	0	0	0
10000 +	0	0	0	0	0	1	0	0	0	0
13000 +	0	0	0	0	0	0	0	0	0	0
16000 +	0	0	0	0	0	0	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (9)	1	0	0	0	0	8	0	0	0	0

Sheriffs (Newport - Division of Executive Department)

$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	0	0	0	0	0	0	0	0	0	0
6000 +	1	0	0	0	0	4	0	0	0	0
8000 +	2	0	0	0	0	4	1	0	0	0
10000 +	0	0	0	0	0	1	0	0	0	0
13000 +	0	0	0	0	0	0	0	0	0	0
16000 +	0	0	0	0	0	0	0	0	0	0
25000 +	0	0	0	0	0	0	0	0	0	0
Total (13)	3	0	0	0	0	9	1	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Judicial Department

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	6	0	0	0	0	0	0	0	0	0
4000 +	61	2	0	0	0	4	0	0	0	0
6000 +	38	0	0	0	0	15	0	0	0	0
8000 +	26	0	0	0	0	41	1	0	0	0
10000 +	24	0	0	0	0	35	2	0	0	0
13000 +	0	0	0	0	0	7	0	0	0	0
16000 +	1	0	0	0	0	8	0	0	0	0
25000 +	3	0	0	0	0	34	0	0	0	0
Total (308)	159	2	0	0	0	144	3	0	0	0
Percent	51.62%	0.65%	-	-	-	46.75%	0.97%	-	-	-

Supreme Court (Division of Judicial Department)

Salary	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	4	0	0	0	0	0	0	0	0	0
4000 +	4	0	0	0	0	0	0	0	0	0
6000 +	8	0	0	0	0	1	0	0	0	0
8000 +	5	0	0	0	0	11	1	0	0	0
10000 +	5	0	0	0	0	4	0	0	0	0
13000 +	0	0	0	0	0	0	0	0	0	0
16000 +	0	0	0	0	0	3	0	0	0	0
25000 +	0	0	0	0	0	5	0	0	0	0
Total (51)	26	0	0	0	0	24	1	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex and Salary - June 1973

__Superior Court__ (Division of Judicial Department)

Salary	FEMALE WHITE	BLACK	SPAN	ASN/AMER	OTHER	MALE WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	0	0	0	0	0	0	0	0	0	0
4000 +	16	1	0	0	0	0	0	0	0	0
6000 +	5	0	0	0	0	4	0	0	0	0
8000 +	10	0	0	0	0	12	0	0	0	0
10000 +	12	0	0	0	0	15	0	0	0	0
13000 +	0	0	0	0	0	2	0	0	0	0
16000 +	0	0	0	0	0	4	0	0	0	0
25000 +	1	0	0	0	0	12	0	0	0	0
Total (94)	44	1	0	0	0	49	0	0	0	0

__Family Court__ (Division of Jedicial Department)

Salary	FEMALE WHITE	BLACK	SPAN	ASN/AMER	OTHER	MALE WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	1	0	0	0	0	0	0	0	0	0
4000 +	17	0	0	0	0	2	0	0	0	0
6000 +	15	0	0	0	0	7	0	0	0	0
8000 +	8	0	0	0	0	12	0	0	0	0
10000 +	6	0	0	0	0	12	2	0	0	0
13000 +	0	0	0	0	0	4	0	0	0	0
16000 +	1	0	0	0	0	1	0	0	0	0
25000 +	1	0	0	0	0	5	0	0	0	0
Total (94)	49	0	0	0	0	43	2	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

District Court (Division of Judicial Department)

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	1	0	0	0	0	0	0	0	0	0
4000 +	24	1	0	0	0	2	0	0	0	0
6000 +	10	0	0	0	0	3	0	0	0	0
8000 +	3	0	0	0	0	6	0	0	0	0
10000 +	1	0	0	0	0	4	0	0	0	0
13000 +	0	0	0	0	0	1	0	0	0	0
16000 +	0	0	0	0	0	0	0	0	0	0
25000 +	1	0	0	0	0	12	0	0	0	0
Total (69)	40	1	0	0	0	28	0	0	0	0

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Department of Natural Resources

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	5	0	0	0	0	64	0	0	0	0
4000 +	17	1	0	0	0	51	0	0	0	0
6000 +	29	1	0	0	0	118	1	0	0	0
8000 +	13	0	0	0	0	166	1	0	0	0
10000 +	3	0	0	0	0	93	0	0	0	0
13000 +	0	0	0	0	0	31	0	0	0	0
16000 +	0	0	0	0	0	17	0	0	0	0
25000 +	0	0	0	0	0	1	0	0	0	0
Total (612)	67	2	0	0	0	541	2	0	0	0
Percent	10.95%	0.33%	-	-	-	88.40%	0.33%	-	-	-

Department of Social & Rehabilitative Services

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	53	9	1	0	0	50	1	0	0	1
4000 +	248	19	2	0	0	38	2	0	0	1
6000 +	312	19	2	0	1	120	5	0	0	0
8000 +	238	6	0	0	0	240	3	0	0	1
10000 +	126	6	1	0	0	174	2	0	0	0
13000 +	28	1	0	0	0	62	0	0	0	0
16000 +	15	0	0	0	0	18	0	0	0	0
25000 +	0	0	0	0	0	5	0	0	0	0
Total (1,810)	1,020	60	6	0	1	707	13	0	0	3
Percent	56.35%	3.31%	.33%	-	-	39.06%	0.72%	-	-	0.17%

RHODE ISLAND STATE GOVERNMENT

Employees by Race, Sex, and Salary - June 1973

Department of Transportation

Salary	FEMALE					MALE				
	WHITE	BLACK	SPAN	ASN/AMER	OTHER	WHITE	BLACK	SPAN	ASN/AMER	OTHER
$ 1000 +	18	1	0	0	0	21	2	0	0	0
4000 +	68	2	0	0	0	282	5	2	0	0
6000 +	72	0	0	0	0	390	1	1	0	0
8000 +	24	0	0	0	0	164	1	0	0	0
10000 +	4	1	0	0	0	94	2	0	0	0
13000 +	0	0	0	0	0	51	0	0	0	0
16000 +	0	0	0	0	0	22	0	0	0	0
25000 +	1	0	0	0	0	3	0	0	0	0
Total (1,232)	187	4	0	0	0	1,027	11	3	0	0
Percent	15.18%	0.32%	-	-	-	83.36%	0.89%	0.24%	-	-

APPENDIX B

State Executive Order No. 14

State of Rhode Island and Providence Plantations
EXECUTIVE CHAMBER, PROVIDENCE

Philip W. Noel
Governor

EXECUTIVE ORDER

NO. 14

JANUARY 22, 1974

WHEREAS, historically the State of Rhode Island and Providence Plantations has been the cradle of religious liberty and freedom; and people from all over the world have come here to live and work in hopes of a better life for themselves and their children.

WHEREAS, our state government bears a unique responsibility in demonstrating to all people the goals and values of our common life.

WHEREAS, the underachievement and underutilization of disadvantaged persons, through either the conscious or unconscious attitudes and policies of elected and appointed leaders, must not be condoned.

WHEREAS, the removal of all barriers to equal opportunity for all of our state's citizens requires the concentrated and continued attention of our state administration.

WHEREAS, it is not a task for any one year and it should be an ongoing task for every year, despite the directions of the winds of popular sentiment.

WHEREAS, we should not wait for judicial action as a guide for policy. Litigation in this area can be costly, time-consuming, disheartening, and most important of all, divisive.

WHEREAS, the General Assembly of this state has long been active in protecting the civil rights of our citizens. To wit, in 1949 we were the fifth state in the nation to enact a Fair Employment Practices Act. To wit, in 1951 we were the second state in the Union to enact a Public Accommodation law. To wit, long before the federal government could mobilize itself to act, Rhode Island had moved against religious and racial injustice.

WHEREAS, the enactment of legislation alone can never be enough.

WHEREAS, law enforcement is important, but alone cannot lead the way.

WHEREAS, statistics and our own personal experiences have shown us that racial minorities, women, and handicapped persons have not always enjoyed fully the fruits of this state's bounty.

WHEREAS, Equal Employment Opportunity is a matter for which the state as a major employer has a distinct responsibility.

WHEREAS, all powers, functions, and duties granted to the Rhode Island Commission for Human Rights under chapter 28-5 of the General Laws of Rhode Island, 1956, as amended, apply also to this Code of Affirmative Action and Contract Compliance, and shall be construed liberally for the accomplishment of purposes thereof.

NOW, THEREFORE, I, Philip W. Noel, by virtue of the authority vested in me as The Governor of this state, in full support of the goals of equal opportunity and the necessity for affirmative action, hereby adopt the following Code of Fair Practices, and order and direct this Code to be the governing and guiding policy of the Government of the State of Rhode Island and Providence Plantations.

1. DECLARATION OF POLICY

Equal Opportunity, and affirmative action toward its achievement, is the policy of all units of Rhode Island state government. This policy shall apply in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation. All policies, programs and activities of state government shall be periodically reviewed and revised to assure their fidelity to this policy. Each department head shall make a report not later than June 30 of each year on the statistical results of the implementation of this Order to the State Equal Employment Officer.

2. STATE EQUAL EMPLOYMENT OFFICER

There shall be a State Equal Employment Officer assigned to the Department of Administration, who shall be the Governor's Equal Opportunity designee. This person shall report on state Equal Opportunity programs directly to The Governor, but shall be under the administrative supervision of the Director of Administration. The State Equal Employment Officer shall be responsible for assuring compliance with the requirements of all federal agencies for equal opportunity, and shall provide training and technical assistance as is necessary for all state departments to comply with the intent of this Order.

3. AFFIRMATIVE ACTION

Each appointing authority shall designate an Equal Opportunity Officer with direct access to him/himself. Each department shall prepare each year an Affirmative Action Plan for that department in accordance with criteria set forth by the Rhode Island Commission for Human Rights and deadlines established by the State Equal Employment Officer. All such plans shall be subject to review and comment by the Rhode Island Commission for Human Rights and approved by the Governor. Any plan deemed unsatisfactory by the State Equal Employment Officer shall be redrawn according to criteria of the Commission, in order to attain positive measures for compliance.

The Rhode Island Commission for Human Rights is hereby authorized to initiate complaints against those agencies, administrators, agents or employees of any department or division within state governemnt who willfully fail to comply with the requirements of the Affirmative Action Plan or of this Executive Order.

The State Equal Employment Officer, in consultation with the Commission, may issue such guidelines, directives or instructions as are necessary to effectuate its responsibilities under this order.

Standards and criteria for review of affirmative action plans shall be established by the State Equal Employment Officer. Technical assistance in the preparation of agency affirmative action plans shall be provided by the Rhode Island Commission for Human Rights on request, and implementation criteria for such plans shall be issued as necessary by the Commission to assit state agencies in preparing and implementing such plans.

4. EMPLOYMENT POLICIES OF STATE AGENCIES

Each appointing authority shall review the recruitment, appointment, assignment, upgrading and promotion policies and activities for state employees without regard to race, color, religion, sex, age, national origin or phyical handicap. All appointing authorities shall hire and promote employees without discrimination. Special attention shall be given to the allocation of funds for on-the-job training, the parity of civil service classes doing similar work, and the training of supervisory personnel in Equal Opportunity principles and procedures. Annually each appointing authority shall review his/her EEO-4 reports and include in his/her budget presentation such necessary programs, goals and objectives, as shall improve the Equal Opportunity aspects of his/her departments monthly report to the State Equal Employment Officer on persons hired and promoted within his/her department.

5. DEPARTMENT OF ADMINISTRATION

Each division of the Department of Administration shall prepare by July 1, 1974, a comprehesive plan indicating, in the light of present court decisions, the appropriate steps necessary to maintain and secure the equal opportunity responsibility and commitment of that division. Each plan shall set forth attainable goals and target dates for achievement of such goals, together with operational assignment for each element of the plan to assure measurable progress. The Division of Personnel shall take positive steps to insure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias. The Division of Budget shall indicate in the personnel supplement published after July 1, 1974, progress made toward the achievement of equal employment goals.

6. COMMISSION FOR HUMAN RIGHTS

The Rhode Island Commission for Human Rights shall exercise its enforcement powers as defined in chapter 28-5 of the General Laws of Rhode Island, 1956, as amended, and in this Order and shall have the full cooperation of all state agencies. Wherever necessary, the Commission shall, at its own initiative or upon a complaint, bring charges of discrimination against those agencies and the personnel thereof who fail to comply with the applicable state laws and this Order. This Commission shall also have the power to order discontinuance of any departmental or division employment pattern of practice deemed discriminatory in intent by the Commission, after a hearing on the record, and may seek court enforcement of such an order. The Commission shall utilize the State Equal Employment Officer as its liaison with state government. The Rhode Island Commission for Human Rights is authorized to make such rules and regulations as it deems necessary to carry out its responsibilities under this Order, and to establish with the approval of The Governor such sanctions as may be appropriate within the rules and regulations of the state.

7. STATE SERVICES AND FACILITIES

Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, age, national origin, or physical handicap. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning such patterns or practices.

At the request of the State Equal Employment Officer each appointing authority shall critically analyze all of its operations to ascertain possible instances of noncompliance with this policy, and shall initiate sustained, comprehensive programs based on the guidelines of the State Equal Employment Officer to remedy any defects found to exist.

8. EDUCATION, COUNSELING, TRAINING AND APPRENTICESHIP PROGRAMS

All educational, counseling and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, sex, age, national origin or physical handicap. Such programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons.

Those state agencies responsible for educational, counseling, and training programs shall take positive steps to insure that all such programs are free from either conscious or inadvertent bias, and shall make quarterly reports to the State Equal Employment Officer with regard to the number of persons being served, and to the extent to which the goals of this order are being met by such programs.

Expansion of training opportunities under these programs shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

9. STATE EMPLOYMENT SERVICES

All state agencies (including educational institutions) which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any person, because of race, color, religion, sex, age, national origin, or physical handicap, unless a preference, limitation, or specification based upon age or sex is deemed by the Commission for Human Rights to be a bona fide occupational qualification for employment.

Such agencies shall advise the Commission for Human Rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination. They shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups. In addition, the Department of Employment Security, the Department of Labor, The Governor's office of Manpower Affairs, and The Governor's Council on Youth shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions to promote equal employment opportunities and shall require and assist all persons within their jurisdictions to initiate actions which shall remedy any situations or programs which have a negative impact on protected classes within the state.

10. STATE CONTRACTS

The Purchasing Agent shall prepare for recommended action to the Purchasing Standardization Committee (GLRI 37-2-2) such rules, regulations and compliance reports as shall require of contractors of this state (on any contract which exceeds $20,000) the same commitment to equal opportunity as prevails under federal contracts controlled by Federal Executive Orders 11246 and 11375. Affirmative action plans prepared pursuant to such rules and regulations shall be reviewed by the Rhode Island Commission for Human Rights and approved by The Governor. A contractor's failure to abide by the rules, regulations, contract terms and compliance reporting provisions as established shall be ground for forfeitures and penalties as shall be established by the Governor in consultation with the Rhode Island Commission for Human Rights and the Purchasing Standardization Committee. The State Purchasing Agent shall prepare a comprehensive plan to provide compliance reviews for state contracts. Copies of all documents proposed shall be forwarded to the Rhode Island Commission for Human Rights for comment and review prior to adoption and approval by The Governor.

11. LAW ENFORCEMENT

The Attorney General, the Department of Corrections, and The Governor's Committee on Crime shall stress to state and local law enforcement officials the necessity for nondiscrimination in the control of criminal behavior. Where appropriate these agencies shall develop formal procedures for the investigation of citizen complaints of alleged abuses of authority by individual peace officers. Employment in all state law enforcement and correctional agencies and institutions shall be subject to the same affirmative action standards applied under this Order to every state unit of government, in addition to applicable federal requirements.

12. HEALTH CARE

The Department of Health shall monitor and make periodic reports to the Rhode Island Commission for Human Rights at such times as the Commission shall designate, regarding the equal opportunity activity of all private health care facilities licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes and clinics. Such state licensed or chartered facilities shall be required to comply with the state policy of equal opportunity and nondiscrimination in patient admissions, employment and health care service. Such compliance shall be a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or of eligibility to receive any form of assistance.

13. PRIVATE EDUCATION INSTITUTIONS

All private educational institutions licensed or chartered by the state, including professional, business and vocational training schools, shall at the request of the Rhode Island Commission for Human Rights or of the Board of Regents be required to show compliance with the state policy of nondiscrimination and affirmative action in their student admissions, employment, and other practices as a condition of continued participation in any state program of eligibility to receive any form of state assistance.

14. STATE LICENSING AND REGULATORY AGENCIES

State agencies shall not discriminate by considering race, color, religion, sex, age, national origin, or physical handicap in granting, denying or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against or segregate any person on such grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according equal employment, treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state.

Any licensee or charter holder who fails to comply with this policy shall be subject to such disciplinary action as is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies which have the authority to grant, deny, or revoke licenses or charters must actively utilize their authority to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, age, national origin, or physical handicap or from participating in any practice which may have a disparate effect on any protected class within the population. The Rhode Island Commission for Human Rights shall review prior to adoption and approval by The Governor all procedures, rules and regulations used to implement this policy.

15. STATE FINANCIAL ASSISTANCE

State agencies disbursing financial assistance, including but not limited to loans and grants, shall hereafter require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the State Equal Employment Officer, state agencies disbursing such assistance shall develop, in conjunction with the State Equal Employment Officer, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action.

16. MISCELLANEOUS

a. Executive Orders 8 and 32 of the previous administration are hereby superceded. All relevant materials in the custody of the Commission for Human Rights shall be transferred to the State Equal Employment Officer.

b. All implementing directives of Executive Order 32 shall, to the extent that they are not inconsistent with this Order, remain in full force and effect.

c. Copies of this Code shall be distributed to all state officials and appointing authorities and posted in conspicuous locations in all state facilities.

This Executive Order shall take effect on the date hereof.

Philip W. Noel
GOVERNOR

APPENDIX C

Executive Orders No. 5 and 6, City of Providence

August 11, 1967

Executive Order No. 5

WHEREAS, it has been the policy of the City of Providence to eliminate discriminatory practices of every sort; and

WHEREAS, it is our intention to forcefully restate our commitment to this policy in the area of employment;

NOW, THEREFORE, I, Joseph A. Doorley, Jr., as Mayor of the City of Providence, do hereby order all departments and agencies to promote, encourage and ensure equal employment opportunity for all qualified persons, without regard to race, creed, color or national origin.

Joseph A. Doorley, Jr.
Mayor of Providence

EXACT COPY

CITY OF PROVIDENCE
Executive Chamber
Providence, R.I.

Joseph A. Doorley, Jr.
Mayor

August 11, 1967

Executive Order No. 6

Whereas, it is the policy of the City of Providence to eliminate discriminatory practices of every sort; and

Whereas, the City of Providence is committed to that policy in the awarding of contracts;

Now, therefore, I, Joseph A. Doorley, Jr., as Mayor of the City of Procidence do hereby order all minicipal contracting agencies to include in every municipal contract hereafter entered into, the following provisions:

"In connection with the performance of work under this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) In the event of the contractor's non-compliance with the non-discrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts".

S/

Joseph A. Doorley, Jr.
Mayor of Providence

APPENDIX D

Correspondence with L.F. Cronin, Regional Director, U.S. Civil Service Commission, Boston, Mass.

UNITED STATES COMMISSION ON CIVIL RIGHTS

NORTHEASTERN REGIONAL OFFICE
The Federal Building
26 Federal Plaza, Room 1639
New York, New York 10007
Telephone: (212) 264-0400

November 29, 1973

Mr. L. F. Cronin
Regional Director
U. S. Civil Service Commission
Boston Region
Post Office & Courthouse Building
Boston, Massachusetts 02109

Dear Mr. Cronin:

First, may we convey our appreciation to you, Mr. O'Hare, and Mr. Skerritt for appearing as witnesses at the Open Meeting of the Rhode Island State Advisory Committee to the U. S. Commission on Civil Rights, held in Providence, November 14-16. Due to limitations of time on the morning you testified, several members of the Committee and staff had no opportunity to pose questions to you or your associates for the record. It would be very helpful to us if you would reply to the queries set forth below within a week or ten days to permit use of your response in the draft report now being prepared.

I. Under Appendix B of your prepared testimony of November 14, 1973, you list 11 sections of Rhode Island state government covered by the Federal Merit Standards system.

a. Would you state precisely what you interpret the affirmative action requirements to be under your current statute and regulations?

b. Have you requested any or all of the 11 listed sections to prepare an affirmative action plan, and can you give us the dates of your requests?

c. Among those that have prepared plans, would you specify which your office has reviewed?

d. Does your office "approve" or "disapprove" or take some other written action indicating acceptance or rejection of affirmative action plans prepared by Rhode Island State agencies?

e. If you do not specifically approve or disapprove them, at what point do you consider the agency to have met the applicable affirmative action standards or requirements administered by your office, and how do you indicate to the agency that it has met those requirements?

f. If an agency refuses or chronically delays preparation of a plan, is that considered sufficient noncompliance with the merit standards system to warrant your recommendation to the funding agency to threaten a fund cut-off? Have you taken such action in regard to any Rhode Island agency?

II. Of the plans you have reviewed, how many contain numerical goals and timetables or target dates clearly set forth? Could you specify which agencies included goals and timetables? Have you approved or accepted any plans from any Rhode Island agencies which omit numerical goals and timetables, and if so, for what reasons?

III. You state on page 1 of your testimony of November 14 that "we have no direct relations with the cities of Providence, East Providence, and Newport...".

a. Does your office have direct relations with any Rhode Island municipal governments? If so, which, and through what program or function?

b. Is it not true that Providence and East Providence (we did not question the Newport witnesses on this point) are beneficiaries of the IPA grant administered by your office to the Rhode Island League of Cities? Are these cities then indirect recipients of that grant? And who is the direct recipient within the meaning of the IPA EEO regulations? Have Providence and East Providence filed a certification with the prime recipient as required by the U. S. Civil Service Commission regulations? Have you examined these certifications and are you satisfied that both Providence and East Providence do in fact comply with the intent of the certification requirement, based on your knowledge of their public employment statistics?

IV. It appeared to the Committee that, based on questioning of state agency witnesses who appeared after you in the Meeting, the State has acted on only two of the seven recommendations concerning EEO contained in Mr. O'Hare's June 8, 1973 letter to Joseph Murray, Rhode Island State Personnel Administrator.

a. Do you agree with that assessment?

b. Would you not agree that Recommendations 3(target dates), 6(information gathering) and 7(upward mobility) would be among the minimally acceptable elements of an affirmative action plan for the Division of Personnel?

c. Mr. Norman Bedard, who testified on behalf of the Personnel Division, told the Committee that the U. S. Civil Service Commission had recommended goals and timetables to the Division, but that recommendation has not been followed. Is that a correct appraisal of the situation? If so, what action do you intend to take to follow up on your recommendation?

d. Is there a deadline within which Rhode Island must amend its merit system laws and rules, in order to comply fully with the merit system standards, as recommended in Recommendations 1 and 2?

e. Has your office assessed the qualifications of the new State EEO Officer, Mr. Igliozzi, in terms of appropriate background and experience for the position he was named to on November 11? If so, what is your conclusion?

f. Recommendation 5 refers to an overlapping of responsibilities between the Personnel Division and Commission for Human Rights and recommends a clear demarcation between the two agencies. Yet Executive Order 32 assigned a legal oversight and review function to the Human Rights Commission in regard to affirmative action plans. Is it your view that the oversight and review function should remain with the Commission under what you term "general and appellate responsibilities" or would this be transferred to the Division of Personnel? If you favor transfer of that function, what is included in your definition of "general and appellate responsibilities?"

V. Finally, in your testimony at page 12 you state that the Commission has "quasi-enforcement" responsibility in the administration of merit standards, which one would assume includes the affirmative action requirements under the system:

Q. If other federal agencies have, as you say, direct and sustaining responsibility, is it not true that they depend on you to advise them of noncompliance prior to their initiating action to apply sanctions through specific funding programs? Do any of the agencies maintain units which independently review affirmative action compliance at the state or local level?

Again, our appreciation for your help and cooperation in the Rhode Island state and local government project.

Sincerely yours,

Jacques E. Wilmore

Jacques E. Wilmore
Regional Director

UNITED STATES CIVIL SERVICE COMMISSION

DIRECTOR, BOSTON REGION

U.S. CIVIL SERVICE COMMISSION
JOHN W. McCORMACK POST OFFICE AND COURTHOUSE
BOSTON, MASSACHUSETTS 02109

BOSTON REGION
Comprising Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

JW
ID
ES

JAN 3 1974

In Reply Refer To:
RJMO/pmk
Your Reference:

Mr. Jacques E. Wilmore
Regional Director
U.S. Commission on Civil Rights
Room 1639
26 Federal Plaza
New York, New York 10007

Dear Mr. Wilmore:

This letter is written in response to your inquiries of November 29, 1973. We apologize for being somewhat tardy in the reply. The Division of Intergovernmental Personnel Programs, on which I rely for most of the information, has been subject to a series of staff changes, which has necessitated some staff members taking on multiple assignments during an interim period.

We did appreciate being invited to the hearings conducted in Providence under the auspices of your State Advisory Committee. In an effort to make this response coincide with your November 29 letter, the Roman numerals and sub-letters are identical to those in your letter.

I. (a) Under the Federal Merit System Standards, a copy of which has been furnished to you, the U.S. Civil Service Commission is obliged to administer the standards on behalf of several Federal agencies (i.e. D.O.L., H.E.W. and D.O.D.). Among the component parts of the standards, there is a provision calling upon State-aided and local-aided agencies to adhere to certain principles of equal employment opportunity, including the preparation of an affirmative action plan and a means of appealing discriminatory actions. This specific provision, while incorporated along with many others, has been given high priority by the U.S. Civil Service Commission (referred to hereafter as USCSC). There are a variety of policy issuances, provided to regional offices by our central office, dealing with the many different aspects of EEO. Our role is to work with State/local governments in developing these plans, in revising them, in observing their implementation, and in doing those kinds of things that talk to a rather overall involvement. We do not have the right to approve or disapprove of these plans. We do have the right to make comments on them and to ask for replies to our comments. We do have the right to suggest a mechanism for overseeing administration of EEO and the plans, but we have no right to insist on any such mechanism. Ours is a partnership role, that of making certain that everything we can do to assist States and local governments, is done. We have a semi-enforcement role, if you will, in that we must report to the cognizant Federal program agency any failure on the part of States and local governments to comply with the standards. And, we take this matter of compliance seriously and generally attempt to negotiate differences with State/local agencies in a positive direction as a prerequisite to suggesting any punitive action by any Federal program agency.

I. (b) All of the eleven (11) listed agencies have been requested to prepare and submit affirmative action plans. This request dates back to December 13, 1972, for all recipients.

I. (c) We have reviewed the original submissions of the affirmative action plans of all eleven (11) listed agencies or programs.

I. (d) As we have indicated under I. (a), the USCSC does not "approve" or "disapprove" plans as submitted. We receive the plans from grant-aided agencies, and then we develop an on-going program of technical assistance to enable these agencies to develop improvements in the plans. This process is triggered either by a letter to the agency head, a personal visit by the State Representative of IPPD, a telephone call, or part of a qualitative merit system evaluation, whichever is deemed appropriate. This is a continuing technical assistance program provided at no cost to the client agency. Again, equal employment opportunity occupies such a high priority with USCSC that it has been deemed to be an integral part of our continuing role to furnish this type of assistance, at no cost whatsoever to the grant-aided agency. Under the Intergovernmental Personnel Act of 1970, one of the six merit principles specifically addresses itself to a continuing role for USCSC in this area of concern.

I. (e) It is difficult to answer this question precisely since our communications and our dealings with agencies infrequently reach the stage where we would say that we have concluded that a plan does or does not meet minimal standards - in the sense of a final decision, with no further negotiation or consultation contemplated. A primary interest of USCSC is not only in the preparation and improvement of a document entitled, "Affirmative Action Plan"; the role is also one of observing the implementation of any and all such plans. This means that State Representatives of IPPD are consistently calling upon grant-aided agencies and central personnel agencies to discuss these matters with them and of pointing out various ways of meeting the tasks, as well as discussing improvement to the plans. Agencies are normally notified of the results of qualitative evaluations, including the EEO component, by letters, on a continuing basis.

I. (f) USCSC has experienced the problem of some, few agency heads balking at preparation and implementation of affirmative action plans. Very often, we find that when we take the matter to a higher authority in that level of government, we secure results. Our initial thrust is that of securing cooperation. If it is evident that an agency is recalcitrant, and if appeal to higher authority does not secure the necessary result, the USCSC can report to the Federal program agency that the agency is not in compliance. We then have a series of actions we can and do take together with the Federal granting agency. The threat of a cut off of funds is not our decision to make, but that of the Federal granting agency. To our knowledge, no Federal agency has threatened a fund cut-off for any Rhode Island agency on the basis of any recommendations or reports by our office.

II. It would be fair to state that most of the original affirmative action plans do not contain numerical goals and time-tables, although some few did. In point of fact, none of the plans submitted to us from Rhode Island contained goals and time-tables. The USCSC is not under any requirement to mandate numerical goals and time-tables. As you know, having examined the four-party agreement on EEO, numerical goals and time-tables are incorporated in the guidelines as useful means of attaining EEO objectives, but not as requisite means.

In Rhode Island, USCSC has placed prime emphasis in setting up a structure that will emphasize the importance of EEO and of making some rhyme and sense out of agency affirmative action plans by striving to secure a well-developed State-wide plan on which agency plans can be based. As you know, within recent months, we have been able to obtain the assent of the State government to appoint two (2) equal employment opportunity officers, one within the Department of Administration, and one within the State Division of Personnel. Two (2) appointments have been made in these positions, and our IPPD State Representative is currently working with and through these officers to establish an improved basis for EEO. IPPD has already conducted a two-day training session for agency EEO officers, and is currently scheduling a second one-day EEO training session for agency heads, scheduled for January 23, 1974. Following this session, it is our understanding that a state-wide EEO council of agency EEO officers will be set up, with support from the State Division of Personnel. It will be up to this council to review a state-wide affirmative action plan, and to propose such changes and revisions as will make it a workable instrument. Finally, as a result of this action, it is understood that program agency plans will be improved and will contain goals and time-tables.

III. (a) We have direct, on-going relationships with the following cities under Federal Merit System Standards: Pawtucket, Woonsocket, Cranston, Warwick and North Kingstown. Under the IPA Grants program, we have negotiated with the Rhode Island League of Cities and Towns, with program administration being handled by one of the member municipalities. In the first Grants year, Warwick administered the program on behalf of all cities and towns. Last year, Cranston administered the local government grant.

III. (b) At best, the Cities of Providence and East Providence are indirect beneficiaries. This needs clarification. The IPA local government grant is of such modest proportions that IPPD negotiates on the basis of a program that will serve all 39 cities and towns. As Providence and East Providence are part of that 39, they are beneficiaries, but in monetary terms, the benefits are small. In the past, the City of Providence, which is an independently eligible municipality under the IPA Act, chose not to administer the grant, but produced a sign-off to the other cities mentioned, certifying that it would cooperate with the total program rather than apply independently for a grant and would comply with Merit principles. The certificate referred to by you is part of the overall local government application. No certification is needed for East Providence, since it has no status apart from the other municipalities - it is not an independently eligible community, and hence no certification is needed.

IV. (a) It is our best information that three (3) of the recommendations in the document have either been implemented or are in the process of being implemented; that two (2) of the recommendations require legislative action; and that the other two (2) have not as yet been implemented. As you may know, the Division of Personnel has been undergoing a series of major personnel changes, involving the retirement of a State Personnel Administrator, and the appointment of a new administrator. These changes are taken into account, in our follow-up to recommendations by IPPD.

IV. (b) We would agree that recommendations 3, 6 and 7 ought to be part of a total state-wide affirmative action plan for the Division of Personnel. When you insert the words "minimally acceptable", this could be taken to mean that USCSC would not approve a plan unless these elements were included. Very candidly, we would look adversely on a plan that did include them, but we cannot expand this to fit the words "minimally acceptable."

IV. (c) Before responding to what Mr. Norman Bedard might have said to your Committee, it might be appropriate if USCSC had a direct transcription of the statement, and knowledge of what Mr. Bedard had reference to in making the statement. This would be of measurable assistance in expediting a reply on this point to you.

IV. (d) We had not established any deadline, but I must agree that the time has come to impress upon the State government, the need for replies by given dates. Our IPP Division has been instructed to set target dates for meeting recommendations and to notify the U.S. Commission on Civil Rights, Regional Office, when these dates have been set.

IV. (e) The USCSC has made no assessment of the qualifications of Mr. Igliozzi's for the position of EEO Officer. As we understand it, he is appointed to a position in the Department of Administration, and that agency is not one covered under Federal Merit System Standards. It should be added that the State Division of Personnel is not an agency covered under the Federal Merit System Standards.

IV. (f) It was in an attempt to resolve an area of existing and potential conflict that the USCSC met with representatives of both agencies cited to work out an EEO program which would permit these agencies to complement one another rather than be engaged in a continuing struggle on the subject of where authority and responsibility ought to be placed. On the basis of meetings, it was decided that the Department of Administration, including the State Division of Personnel, ought to be vested with the responsibility to administer the State's EEO program and that the Human Rights Commission could best fulfill the appellate role, acting on complaints of individuals or groups, or acting on its own behalf to secure results. Under this division, the Human Rights Commission continues its role of review, enforcement and appeals, a role with which we heartily concur. A number of significant results have come from our efforts to make these agencies complement one another. One of these is an executive order, currently being prepared by Governor Philip Noel, soon to be promulgated, stating the policy of the State of Rhode Island with reference to EEO.

V. In reply to the question raised, the personnel component is but one element of a State plan submitted to any Federal funding agency. There are many other elements in a State plan, on which a Federal funding agency has every right to move on its own to mandate compliance. With regard to the personnel component, Federal funding agencies await the findings and recommendations of USCSC before proceeding to direct compliance. As has been iterated in this letter, there are many avenues open to both USCSC and to the cognizant Federal funding agency before applying sanctions. The real effort is to convince a grant-aided agency that it is in its own best interests to comply with recommendations made by USCSC, rather than go the route of non-compliance or non-conformance. This is oftentimes painstaking work, because of a wide variety of factors, but USCSC believes that if its "partnership role" is to mean anything, it should mean that we take the time with State governments and local governments to persuade them in connection with certain decisions and policies, appropriately within USCSC's sphere. HEW has an Office of Civil Rights and the Department of Labor has an Office of Contract Compliance. Both these offices are concerned with EEO in connection with their grant operations, but it is our impression that they look to us for findings and recommendations in connection with Merit Systems policies and procedures of an EEO nature.

Please let us know if we can be of further assistance.

Cordially yours,

L. F. Cronin

L. F. Cronin
Regional Director, Boston

APPENDIX E

Response from the Office of the Governor to Rhode Island Advisory Committee Report, April 17, 1974

22 APR 1974

STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
EXECUTIVE CHAMBER
PROVIDENCE

PHILIP W. NOEL
GOVERNOR

April 17, 1974

Mr. Jacques E. Wilmore, Regional Director
United States Commission on Civil Rights
The Federal Building
26 Federal Plaza, Room 1639
New York, New York 10007

Dear Mr. Wilmore:

As promised in my letter of March 25, 1974, and in response to your letter of March 29, 1974, I am enclosing an evaluation of "The Evening Bulletin" front page article dated March 20, 1974, headlined "State, 3 Cities Accused - Bias Probe Sought Here," which was based upon the "Preliminary Statement by Reverend Raymond E. Gibson, Chairman, Rhode Island State Advisory Committee, U. S. Commission on Civil Rights, Not For Release Before 10 A.M., Thursday, March 21, 1974."

Regardless of any explanation you offer for the unjust attack upon Governor Noel, regardless of the sentiments expressed in your statement "...We regret this action...," regardless of your belated agreement "...that the Governor has cooperated fully with the Committee...," and regardless of your expressed wish to see "continued cooperation," you must recognize the irreparable harm resulting from this incident.

We feel that the enclosed response will help clarify and prove the Governor's commitment to equal employment opportunity, and further, as stated in the response: "Every effort and action that has been taken to redress any inequities regarding minorities and women has been taken to improve the status of all employees of the State of Rhode Island. No amount of coercion, threats or histrionics from any Federal agency will deter this administration from its

Mr. Jacques E. Wilmore
Page Two
April 17, 1974

committed goal of revitalizing the Civil Service to a Government Career System that all will be proud to pursue, to taking the "servant" out of the "Civil Servant," to concentrating on the individual's needs - for the employee of this State is also its citizen.

Sincerely,

Keven A. McKenna
Special Counsel for
Policy and Program Review

A RESPONSE TO
THE REPORT OF
THE
U.S.C.C.R.

THE STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

The latest preliminary statement (Appendix 1) submitted by Mr. Wilmore of the United States Commission on Civil Rights does not contain any reference to "a suit against the State of Rhode Island" or to Governor Noel's having "failed to give priority to EEO", thus recognizing the grievous impropriety and blatant illegality[1] of releasing inaccurate and untrue information (Appendix 2) to the press.[2] The damage done by this illegal method of creating sensational press has done irreparable harm to the previously cooperative and productive relationship between the State of Rhode Island and the United States Commission on Civil Rights.

The latter quotation which appeared in the news article "Officials at the highest level including the Governor and the Director of Administration have failed to give priority to equal employment opportunity" has been revised in the so-called latest edition of the preliminary statement. This revisal withdrew the charge against the Governor with the belated realization that such a statement is grossly unjust.

If the facts had been competently gathered, more importantly, honestly published, the only conclusion that could be drawn would be that the Governor has given high priority to equal employment opportunity within state government. The Governor has committed approximately $100,000 for direct personnel costs for several full-time equal employment officers. The position of State Equal Employment Officer has been created to coordinate and carry out the mandates of Governor Noel's Executive Order No. 14, the strongest and most comprehensive Executive Order ever issued. Equal Employment Officers were also created in the Department of Administration, Employment Security and Social and Rehabilitative Services. In addition, full-time staff positions have been allocated to support the work of these officials. Consideration is also being given to other agencies that have requested full-time Equal Employment Officers. The amount of indirect personnel cost for those departments with part-time Equal Employment Opportunity Officers would add many thousands of dollars to that total committment.

---

[1] Rules and Regulations of the U.S.C.C.R., Sec. 702.18

[2] Reprint of Evening Bulletin article, 20 Mar 74

The Governor met with all department directors at a day long seminar, the specific intent of which was to explain his committment to equal employment opportunity and to thoroughly discuss the content of the Executive Order and its implementation. At that meeting, the Governor encouraged department directors to send supervisory personnel to a conference sponsored jointly by the Governor and ASPA, the purpose of which was to inform and instruct supervisory personnel in the implementation of the Executive Order.

In addition, the Governor, in conjunction with the Human Rights Commission and the Department of Community Affairs, is conducting a seven week course for supervisory personnel. And again, through the Department of Community Affairs, the Governor is sponsoring a conference in May entitled "Women in Government".

Before the public hearings in November, the Governor had sponsored a two day conference, in conjunction with the United States Civil Service Commission, for all state EEO officers. It can be seen that affirmative action has been taken by this administration to get the EEO message to all lines within the state agencies--department directors, EEO officers, and all line supervisors.

Further, consideration is being given a program to be conducted within the next fiscal year which will bring the message directly to each department's employees in an attempt to emphasize the fact that regardless of policy statement and written words, the real job of affirmative action can be best affected within the agencies themselves, in their day to day job of recruiting, training, and providing motivation for minorities and women to advance themselves within state service. When this message can be effectively related to all levels of state government, greater utilization of our human resources will result in benefits to all employees and to all citizens of the State of Rhode Island who are affected and serviced by those employees.

Consider the first erroneous accusation appearing in the preliminary statement dated for release 21 March 74, quoted by the press on 20 March 74. "On the basis of employment statistics alone there is evidence of a possible pattern and practice of discrimination in the four governments which justifies court action. Minorities and women are underrepresented and concentrated in the lower salary positions." The statistics mentioned were provided to the United States Commission on Civil Rights, the United States Equal Employment Opportunity Commission, the United States Civil Service Commission, the Rhode Island Commission on Human Rights, and the Governor's Committee on Women, with the full understanding that the data submitted showed employment statistics as of 30 June 73 and did not present an up-to-date, verified report of the present status. It is blatantly untrue that these statistics could serve as a basis for any court action.

Later in the article it quotes, "Non-whites make up 3.3% of Rhode Island's population and 6.2% of the State payroll according to the report". The 6.2% figure is inaccurate according to the statistics supplied to the Civil Rights Commission and to the EEOC - inaccurate in favor of the state. However, this points out the poor staff work that went into the preparation of the released report.

In the news article, the statement "Minorities and women are underrepresented and concentrated in lower salary positions" is inaccurate. The statistics supplied to the EEOC and to the Civil Rights Commission refute this statement, again showing a complete lack of accurate reporting or an ability to interpret information that is supplied. The statistics actually show that the employees of the State of Rhode Island are 46.2% women, which is not significantly different than the population. Further, minorities employed by State Government constitute 4.9% of all state employees, more than the total percentage of minorities in the population of the state. More importantly, 4.9% is more than twice the percentage of minorities within the available work force in the state.

The phrase "concentrated in the lower salary positions", referring to minorities and women is correct. Recognizing this fact, the Governor directed that a Comprehensive State Manpower Training Program for State Employees (Appendix 3) be developed by the Department of Administration, in cooperation with the Governor's Manpower Council. The State Employee Training program will not only concern itself with upward mobility for present state employees, it will establish a state-wide paraprofessional program for recruiting more minorities and women into state service. To further this end, the Governor has directed that each department establish as a goal, an appropriate percentage of all new positions in the next fiscal year be designated for minorities and women.

A DISCUSSION OF OTHER STATEMENTS FOLLOWS:

1) " The employment systems as they now operate do not assure equal opportunity for all people. Hiring and promotion processes in the civil service systems of state government...perpetuate discrimination against minorities and women."

The Division of Personnel, was in the process of validating all Civil Service Tests when the Commission "submitted" its report, and they will continue to do so. Due to the volume of tests, the cost of the process and the desire to have the job done right, the project will be a lengthy one. When it is shown that all are job-related, there will be no discrimination in testing.

Our Classification section, in the Division of Personnel, has been reviewing job specifications, and making revisions where necessary, to insure that there are no discriminatory factors involved in the setting of standards of education and experience. To date, Classification has reviewed 83 specifications. Again, the process is a lengthy one; but it is nevertheless being attended to.

And Classification will continue to review, and revise where necessary, each and every specification until every job specification has been scrutinized. This is another way in which the State is trying to make Equal Employment Opportunity a reality.

Hiring processes are a matter of adhering to the Civil Service System. Lists are established and people are hired from the lists. The revision of testing and standards required for positions will insure that when the mechanical hiring process takes place, discrimination cannot rightfully be considered a factor in the hiring process.

Promotion processes relate back to test validation and job specifications. Thus, the best qualified will be eligible for promotions. There will be no discriminatory factors involved. We believe that Equal Employment Opportunity and the Merit System go hand in hand. So we are insuring equal promotional opportunities for all. The Merit System was designed to insure equal employment opportunity to all citizens of Rhode Island. To reaffirm that purpose, a comprehensive review of the entire state personnel system is being undertaken by the United States Civil Service Commission to complement, update and implement a review previously done by that agency. In addition, a study is in progress to coordinate the Merit System Law with collective bargaining and Equal Employment Opportunity. Also, to make the employment system more responsive to equal employment opportunity, an Equal Employment Officer for the Department of Administration was appointed in September of 1973 (before the public hearings in November) with the specific charge of making recommendations to improve the personnel process. A number of those recommendations have already been carried out and still others are under consideration.

2) "Attitudinal factors such as the state's poor image in the community as an Equal Employment Opportunity employer and the attitudes of many public officials toward minorities and women tend to solidify patterns of discrimination."

This allegation is such a weak and vague generalization that in any court of law, a response would probably not be necessary. When the Commission designates its criteria for a "poor image" as well as the standards and measures it uses to judge these criteria, we will be in a better position to respond to this point. If it was a survey sampling, we would demand to see the survey, along with the validation of the sampling. We would also have to know that the sample taken was large enough to represent what could be termed "community image of the State."

The state established a walk-in testing center where applicants could call for an appointment and come in to be tested, thus simplifying the testing and hiring process for several classes of positions. Also, tests are given in cooperation with OIC, on sight in areas that would attract minority group applicants. In addition, the mailing list for test announcements was expanded to include all of the minority and women's organizations within the state.

Contrary to the statement in the last paragraph of the news article, "There are no minorities...in the Division of Technical Services which is responsible for Recruitment and Hiring" - Before the article appeared, the Personnel Administrator made plans to, and has since hired a minority member whose task will be recruitment.

Contacts have been made and discussions have been held with all the minority organizations. A number of minority members and women have been appointed to commissions within the state government. For the first time in the history of the State, there is a Black Representative on the Board of Regents. The Governor's Commission on Women, a group with minority representation, has been extremely effective in developing and assuring passage of legislation concerning the status of women.

3) "Affirmative action efforts are either inadequate or nonexistent."

The State of Rhode Island has had Executive Orders calling for Affirmative Action since 1970. Executive Order #14, released January 22, 1974, is the latest, and we defy anyone to prove that we have not called for Affirmative Action. As the Civil Rights Commission is well aware, every State Agency has to have an Affirmative Action Plan drawn up by May 1. The Plan must be reviewed by the Human Rights Commission and the State Equal Employment Opportunity Officer before it is submitted to us. It must then meet with the Governor's approval before it goes into effect. The Commission was certainly premature in its appraisal and would have done better to wait until the plans were accepted. Then, at least, there would be something substantive on which to pass judgement. Those affirmative action programs which have been in existence in state government for a number of years have been approved by the Rhode Island Human Rights commission, as well as the United States Civil Service Commission.

Every State agency has an Equal Employment Opportunity officer, three full-time EEO officers, as well as a State designee. These Officers meet monthly to discuss ways to better implement Affirmative Action-Plans. They combine their resources and knowledge and try to devise the most equitable and progressive Affirmative Action Plans.

We would demand that the Commission define "inadequate". The allegation that affirmative action efforts are nonexistant we are sure we have effectively shown to be nothing more than a blatant falsehood.

4) The reckless assertion that "EEO requirements now imposed on private industry are not applied equally to state and local governments" is again an unjustified statement. There has been no EEO requirement brought to the attention of this administration which has not been immediately responded to and fulfilled. As an example, the EEOC requirement that the Division of Personnel report statistics on all state employees, with the exception of the Board of Regents, received prior-

ity. As a result, Rhode Island was the first State in the nation to respond in complete detail to the requirement of the United States Equal Employment Opportunity Commission. To accomplish this end, a computer system called the Human Resource Planning System was developed by the Department of Administration at an initial cost of more than $12,000. Additional funds have been allocated to broadening this system to a management tool for more efficient utilization of human resources. Thus, in addition to providing required statistical reports on minorities and women the system will increase the total productivity of the State Government.

5) Later in the report the advisory commission say that conclusions on personnel practices of state government are based "on limited available data", thus giving the impression that data was withheld or was incomplete. This is not correct. The United States Equal Employment Opportunity Commission required Equal Employment Opportunity -4 report excludes the employees of the Board of Regents. These employees will be reported on the Equal Employment Opportunity -6form. Therefore, what was required of the State was given to the Federal Government. Perhaps a better understanding of Federal Law, both that concerning the United States Equal Employment Opportunity Commission and the Commission itself, will help the United States Commission on Civil Rights alleviate further embarrassment to itself.

6) Even though the Advisory Committee admits and gives begrudging credit for "the fact that state government has a larger percentage of minority employees than the Rhode Island population the Advisory Committee suggests that the percentage of minority group state employees should be closer to the 9.9 percent non-white population in Providence".

We in Rhode Island will establish the figures which will be used as goal in our individual departments. And our goals will not be based on any "suggestion" so arbitrary as the "percent non-white population in Providence".

It will be based upon the current minority representation in each department, the availability of future positions, the place of residency of current employees and the available labor market in those areas and in the total state. If the state is to recognize the needs of all it's citizens, we must and we will take into account the fact that all citizens of the state have a right to state employment.

In summary, Governor Noel firmly believes in and supports the goals of Equal Employment Opportunity. This administration feels that there is no inherent conflict between the principles of the merit system, collective bargaining and Equal Employment Opportunity. Belief in the merit system principle does not mean blind dedication to the "system" - it means rededication to the principle.

Every effort and action that has been taken to redress any inequities regarding minorities and women has been taken to improve the status of all employees of the State of Rhode Island. No amount of coercion, threats or histrionics from any Federal agency will deter this administration from its committed goal of revitalizing the Civil Service to a Government Career System that all will be proud to pursue, to taking the "servant" out of the "Civil Servant", to concentrating on the individuals needs - for the employee of this State is also its citizen.

APPENDIX F

Rebuttal by Rhode Island Advisory Committee to Governor's Statement

STATEMENT OF THE CHAIRMAN OF THE RHODE ISLAND ADVISORY COMMITTEE TO THE U. S. COMMISSION ON CIVIL RIGHTS IN RESPONSE TO THE STATEMENT BY THE GOVERNOR OF RHODE ISLAND

On April 17, 1974, Governor Philip W. Noel submitted a rebuttal to a draft of a preliminary statement by the Chairman of the Rhode Island Advisory Committee to the U. S. Commission on Civil Rights on equal employment opportunity in Rhode Island State Government.

The Governor received a copy of the draft on March 18. As a result of negotiations with his staff, revisions were made in the text and a new draft was forwarded to him on March 20. In the meantime, however, a copy of the original draft, which also was sent to the three Mayors of the cities under review, was given to the press in violation of the release deadline. Neither the U. S. Commission on Civil Rights nor members of the Rhode Island Advisory Committee had a part in the premature release of the statement.

It is the Advisory Committee's belief that the Governor in his rebuttal failed to understand the facts presented in the preliminary statement. The Advisory Committee would like to respond on a point-by-point basis to the challenges he makes.

The following is an analysis of the Governor's comments:

1. Governor Noel charges the U. S Commission on Civil Rights with using an "illegal method of creating sensational press" by leaking one statement to the press while giving a second, modified statement to him.

As the Governor's office will confirm, the modifications were made through negotiations with, and in effort to work cooperatively with, the Governor's staff. The unauthorized release, as the Governor's staff also will confirm, occurred in the office of one of the three Mayors who also received copies of the original statement. The Commission on Civil Rights had nothing to gain by this release. In fact, on account of it, the Advisory Committee lost its chance to have a full press conference where the members could have provided detailed data supporting their findings.

2. As stated above, the Governor's office requested that the preliminary statement be revised and asked that the Governor not be named among those officials criticized for failing to give priority to EEO. The Governor's staff clearly understood that such a revision was not an admission of error on the part of the Advisory Committee but an effort to maintain a cooperative relationship with the Governor. It was also understood that the revision was to be made only in the preliminary statement, where full back-up data were not provided.

The Advisory Committee's statement that the Governor had failed to give priority to EEO was based on facts and circumstances at the time of the hearing, not on events subsequent to it. At that time, only two departments had fulltime EEO officers and , as is clearly stated in the report, other departmental EEO officers spent "as little as five percent" of their time on EEO. (In fact, the statewide EEO officer was not appointed until the week of the hearing. However, his name and appointment were withheld from the Advisory Committee because he had not had time to familiarize himself with the issues. One month later, as the report makes clear, he was still not informed on many issues related to EEO and the Advisory Committee in its report questions his credentials). Secondly, at the time of the hearing, only five departments had final affirmative action plans despite a State mandate which had required such plans for over a year. Thirdly, statistics indicate the underrepresentation of minorities and women, particularly at the higher salaried levels, in State Government. The Advisory Committee concludes that, although most of the inadequacies in the system existed before the Governor took office, as the chief executive he must be held responsible for their remedy.

3. The Governor cites a series of conferences designed to educate State and local officials about affirmative action and related issues and explain his commitment to EEO. Four of these conferences were held after the hearing and the fifth was held shortly before, more than six months after the Advisory Committee began questioning State government officials about their affirmative action efforts. The Advisory Committee applauds these and other positive activities. However, it must be remembered that the recommendations in the report relate to events at the time of the hearing.

4. The Governor criticizes the Advisory Committee for using data as of June 30, 1973, rather than "up-to-date" information. In fact,

the Advisory Committee asked again and again for the most up-to-date information and did not receive the June 1973 data until February 1974, shortly before the preliminary statement was issued. The delay in our receipt of the data, which occurred because of the Department of Administration's difficulties with computerizing the data, held up the Advisory Committee's statement.

5. The Governor criticizes the Advisory Committee for erroneously stating that minorities make up 6.2 percent of State Government, an error of about one percent in favor of the State. "This points out," the rebuttal continues, "the poor staff work that went into the preparation of the released report." In fact, the error was made by the newspaper. The Advisory Committee statement sent to the Governor contained the accurate data provided by the State Department of Administration.

6. The Governor challenges the statement: "Minorities and women are underrepresented and concentrated in lower salary positions." The Advisory Committee maintains that, given the total employment picture as stated in Exhibit A of this report, the charge is valid.

7. The Governor charges that State government's 4.9 percent minority employment rate is twice that of the available statewide minority work force. As the statement and the report make clear, the Advisory Committee, supported by professional testimony such as that of the

National Civil Service League, maintains that representation according to the local labor market, not the statewide minority population or workforce ought to be the basis for the State's hiring goal. However, It is generally recognized that the Department of Labor statistics on the available labor market are often inaccurate, particularly as they relate to minorities and women. The Advisory Committee believes that the State should hire minorities and women according to their representation in the Providence area since this is where the majority of State jobs are located. It is the Advisory Committee's firm conviction that State Government, which uses the taxpayers' dollars to fill State jobs, has an obligation beyond that of private employers to offer equal employment opportunity to all the citizens of the area, not simply those who are recorded by the Department of Labor as being available for work.

8. Admitting the concentration of minorities and women in the lower salary levels, the Governor states that he has ordered a manpower training program to be developed and directed each department to establish a goal of new hires to be designated for minorities and women. However, the manpower training program which was submitted to the Commission in August was simply the manpower plan required of all localities under the Federal Comprehensive Education and Training Act (CETA). Further, no numerical goals were established. However, a member of the Governor's staff said that priority is being given to minorities and women as well as veterans and the handicapped and that special training grants had been given to minority organizations.

9. The Governor states that at the time the preliminary statement was submitted the Division of Personnel was in the process of validating

all its tests. However, at the time of the hearing, no tests had been validated. Given the complexity of the validation process, it seemed unrealistic to the Advisory Committee to try to validate all the tests at one time. In fact, in October 1974, five tests were validated in a process known as "content" validation. (see footnote in the body of the report). Validation of additional tests was in the process of being documented.

10. The review of job criteria was in process at the time of the hearing as pointed out in the report. However, at that time, there were no indications that even a significant change in criteria, such as the proposed elimination of the bachelors degree for the social worker examination, would open up the social worker cateogry/or other positions to minorities. The Advisory Committee believes that only reform of the total civil service system, including the rule of six, not just changes in elements in it, will result in true equality of opportunity for all persons in State government. The Advisory Committee stated this position at the time of the hearing and was delighted to learn of the pending review by the U. S. Civil Service Commission of the entire State personnel system and the study of the interrelation of merit system regulations, collective bargaining and equal employment opportunity.

11. The Governor criticizes the Advisory Committee's findings related to the State's "poor image" as an equal opportunity employer as "a weak and vague generalization" which would not stand up in court. To the contrary, the Advisory Committee believes this finding is a strong statement well supported by testimony from representatives of approximately

15 minority, civic and women's groups. Further, the Advisory Committee is convinced that the question of "image," which relates , of course, to recruitment, hiring and promotion practices, is vitally important. Minorities and women will not apply unless they believe they have a fair chance of getting a job. In its report, the Advisory Committee gives credit to the Personnel Division advances such as the walk-in test center. Other improvements such as the minority recruiter who was hired _after_ the hearing also have the full support of the Advisory Committee. However, at the time of the hearing, it was the Advisory Committee's conclusion that such advances were not adequate to offset a history of exclusion and to correct existing discriminatory practices.

12. The Advisory Committee was fully aware of the 1970 Executive Order #4 and based much of its criticism of State Government's affirmative action effort on its falure to enforce that order. As pointed out above, only five departments actually had approved affirmative action plans.

As clearly stated in the report, the Advisory Committee also supports the issuance of a new order, Executive Order #14, except in as much as that order weakens the monitoring process of affirmative action in the various departments. That order was issued after the hearing and, we believe, was written largely in response to it. On the basis of the State's failure to enforce Executive Order # 4, the Advisory Committee reaffirms that, as of the time of the hearing, the State's affirmative action efforts and programs were "inadequate."

13. The Governor describes the Advisory Committee's assertion that stronger EEO requirements are imposed on private industry than on the State as "reckless" and "unjustified." However, officials from the State Department of Transportation testified to the contrary at the hearing. In fact, it is unquestionable - and universally accepted - that the requirements established by Federal Executive Order 11246 and Revised Order #4 for private contractors using Federal funds are more stringent than the mere reporting of employment statistics now required of State and local government.

14. The Governor accuses the Advisory Committee of using "limited available data" in order to imply that data was "withheld or was incomplete." To the contrary, the Advisory Committee described the limitations of the data in the interests of accuracy. Those limitations are clearly spelled out with no reference or implication that the Department of Administration was "withholding" data.

15. For the second time, the Governor criticizes the goal of 9.9 percent minority employment, the necessary goal if minority representation is to equal that of minority population in the Providence area. The Advisory Committee has no quarrel with individual goals developed by the various departments according to factors mentioned in the Governor's rebuttal. However, the Advisory Committee stands by its position that the State government as a whole has a higher moral obligation than private industry and should use its resources, which depend upon the

tax dollar, to actively recruit, train and employ persons regardless of race and sex.

The Advisory Committee recognizes that, since the hearing, the Governor has initiated many positive programs to promote equal employment opportunity in State government. However, the Advisory Committee also believes that much remains to be done. It looks forward to continued cooperation with the Governor and his staff to make our common goals a reality.

GPO 885-498